### Notice of Public Meeting

Wednesday, June 8, 2022 9:30 a.m. – 4:30 p.m. Virtual Meeting via ZOOM Webinar (hyperlink provided below)

#### Proposed Final Agenda

Time	Agenda Item	Speaker
9:30 a.m.	Call to Order & Introductions	Keith Grellner, Board Chair
9:35 a.m.	1. Approval of Agenda—Possible Action	Keith Grellner, Board Chair
9:40 a.m.	<ul> <li>2. Approval of April 13, 2022 Minutes</li> <li>– Possible Action</li> <li>Approval of May 27, 2022 Minutes</li> <li>– Possible Action</li> </ul>	Keith Grellner, Board Chair
9:45 a.m.	3. Announcements and Board Business	Board Executive Director
10:05 a.m.	4. Department of Health Update	Umair A. Shah, Secretary of Health Tao Sheng Kwan-Gett, Chief Science Officer and Secretary's Designee
10:45 a.m.	5. Public Comment (Note: Public Testimony on Item 10, Keeping of Animals, WAC 246-203-130, will begin at 1:30pm)	Please note: Verbal public comment may be limited so that the Board can consider all agenda items. The Chair may limit each speaker's time based on the number people signed up to comment.
11:05 a.m.	Break	
11:20 a.m.	6. Effective Date – <u>Environmental Health</u> <u>and Safety Standards for Primary and</u> <u>Secondary Schools</u> , Chapter 246-366A WAC – Possible Action	Keith Grellner, Board Chair Board Staff
11:40 a.m.	7. Rulemaking Petition – The Board has received a Petition to revise <u>Food Service</u> , <u>Chapter 246-215 WAC</u> —Possible Action	Patty Hayes, Board Member Board Staff
12:00 p.m.	8. Selection of Board Vice Chair – Possible Action	Board Executive Director
12:15 p.m.	9. Discussion of 2022 Meeting Schedule and Possible July Meeting Cancellation – Possible Action	Board Executive Director
12:25 p.m.	Lunch	

Time	Agenda Item	Speaker
1:30 p.m.	10. Rules Hearing – <u>Keeping of Animals</u> , WAC 246-203-130 – Testimony Will Be Taken – Possible Action	Keith Grellner, Board Chair Board Staff
2:30 p.m.	11. <u>State Health Report</u> —Possible Action	Keith Grellner, Board Chair Board Staff
2:50 p.m.	12. <u>Review of Board Complaint Policy,</u> <u>2015-001</u> – Possible Action	Keith Grellner, Board Chair Board Staff
3:10 p.m.	Break	
3:20 p.m.	<ul> <li>13. <u>Rulemaking Petition</u> – The Board has received a request to amend WAC 246-105-070, Duties of Health Care Providers or Organizations – Possible Action</li> </ul>	Keith Grellner, Board Chair Board Staff
3:35 p.m.	14. Request for Emergency Rulemaking – On-Site Sewage Systems, Chapter 246- 272A WAC, Proprietary Products and Supply Chain Shortage	Tao Sheng Kwan-Gett, Chief Science Officer Board Staff Department Staff
4:00 p.m.	15. Recognizing Board Member Contributions – Possible Action	Board Vice Chair Board Executive Director
4:15 p.m.	16. Board Member Comments	
4:30 p.m.	Adjournment	

- To access the meeting online and to register: <u>https://us02web.zoom.us/webinar/register/WN\_6vqdRyUmTamyb61z3wCSBA</u>
- You can also dial-in using your phone for listen-only mode: Call in: +1 (253) 215-8782 (not toll-free) Webinar ID: 847 8253 4990 Passcode: 887573

#### Important Information to Know:

• Times are estimates only. We reserve the right to alter the order of the agenda.

- If you need special accommodation, please contact Melanie Hisaw, State Board of Health Executive Assistant, at (360) 236-4110 or by email <u>melanie.hisaw@sboh.wa.gov</u> by May 27, 2022.
- To request this document in an alternate format or a different language, please contact Kelie Kahler, State Board of Health Communication Manager, at 360-236-4102 or by email <u>kelie.kahler@sboh.wa.gov</u>

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#### Draft Minutes of the State Board of Health April 13, 2022 Electronic meeting via ZOOM Webinar

#### State Board of Health members present:

Keith Grellner, RS, Chair Fran Bessermin Bob Lutz, MD, MPH Elisabeth Crawford Temple Lentz, MOL Stephen Kutz, BSN, MPH Patty Hayes, RN MN Umair A. Shah, MD, MPH Tao Sheng Kwan-Gett, MD, MPH, Secretary's Designee

#### State Board of Health members absent:

Tom Pendergrass, MD, MSPH, Vice Chair

#### State Board of Health staff present:

Michelle Davis, Executive Director Melanie Hisaw, Executive Assistant Kelie Kahler, Communication Manager Stuart Glasoe, Health Policy Advisor Samantha Pskowski, Health Policy Advisor Kaitlyn Donahoe, Health Policy Advisor

#### **Guests and other participants:**

Michele Roberts, Department of Health

Nathaniel Thai, Communications Coordinator Cait Lang, Health Policy Analyst Tracy Schreiber, Health Policy Analyst LinhPhung Huỳnh, Department of Health Lilia Lopez, Assistant Attorney General

<u>Keith Grellner, Board Chair,</u> called the public meeting to order at 9:00 a.m. and read from a prepared statement (on file). He then detailed operating procedure and ground rules for conducting a virtual meeting, and asked board members to introduce themselves.

#### APPROVAL OF AGENDA Motion: Approve April 13, 2022 agenda Motion/Second: Member Hayes/Member Bessermin. Approved unanimously

#### ADOPTION OF MARCH 9, 2022 MEETING MINUTES Motion: Approve the March 9, 2022 minutes. Motion/Second: Member Bessermin/Member Hayes. Approved unanimously

#### 3. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

<u>Michelle Davis, Board Executive Director</u> greeted the Board and directed Board members to materials in their packets under tab 3. She announced that Vice-Chair Pendergrass would not be joining the meeting and was out of state.

Ms. Davis updated the Board on the recent filings of two CR-103 orders of adoption, one related to updates needed as a result of the creation of a new title of state law, Title 70A RCW, Environmental health and safety. She said the second order of adoption related to the update of the Water Recreations rules, specifically focused on suction fitting standards, and were the result of changes in national standards issued by the Consumer Products Safety Commission. She said both rule processes were delegated to the department.

Ms. Davis directed the Board to the March 30 Health Promotion Committee Meeting Notes, she said the committee met to guide staff on the preparation of information for today's meeting.

Ms. Davis directed Board members to the CR-102 proposed rulemaking materials for the Keeping of Animals rule update. She said the official rules hearing was scheduled for the Board's June 8 meeting, and the deadline for the public to submit written comments was May 2. She said the rule and other materials were posted to the Board's rulemaking pages.

Ms. Davis said the remaining documents were the petition response letters reflecting the Board's action at its March meeting.

Ms. Davis reminded to Board members that Kaitlyn Donahoe has begun reviewing the current State Health report and the Strategic Plan. She said staff would share recommendations for Board review at the June meeting. She said Ms. Donahoe had reviewed the 2020 State Health Report, recent legislative actions, and reached the health impact review team. She asked Board members to review the draft State Health report outline and to provide feedback and comments to Kaitlyn. She thanked Members Pendergrass and Kutz for their feedback. Ms. Davis said potential recommendations for the 2022 report include:

- Identify and Reduce Health Disparities through Data Disaggregation
- Increase Access to Health Services for Vulnerable Populations
- Improve Health by Decreasing use of Tobacco, Nicotine, and Vapor Products
- Make School Environments Healthy and Safe for Washington Students
- Support Washington's Public Health Workforce by Confronting Misinformation
- Strengthening Washington's Public Health through Continued Investment

#### 4. PUBLIC COMMENT

(Note: Public Testimony on Item 7, Rules Hearing for Local Board of Health Composition, Chapter 246-90 WAC, will begin at 1:30pm)

<u>Bill Osmunson, a dentist in Bellevue</u>, talked about a study stating that fluoride is a legend drug. He said hundreds of thousands have been harmed by excels fluoride ingestion and if the Board has approved ingestion of any level of fluoride, the Board must have a risk-benefit analysis of this decision. He said he would like to have a copy of this analysis.

<u>E Clough</u> commented against the COVID-19 vaccine requirement and talked about COVID vaccine effects of myocarditis and to girls menstrual cycles. She talked about multiple organ failure that occurred in 20% of patients who received Remdesivir. She further talked about needing more vaccine research on long-term effects.

<u>Dana Nelson</u> said children attend schools in Vancouver and commented against the COVID-19 vaccine requirement. She said her children have been teased and there is much discrimination. She said studies are needed before requiring. She said families will move away, they love it here, are involved in community and sports, and they've tested several times because they weren't vaccinated, then everyone had to test regardless of vaccination status.

<u>Clifford Knopik</u> said he has his doctorate in computer science and other advanced degrees and works with data for a living. He commented against the COVID-19 vaccine requirement, saying the data shows the vaccine has caused injuries and death, and injections do not work as advertised. He said by requiring COVID-19 vaccine for children, you will cause an epidemic among children. He said the Board does not have data or science to vote yes and that it would be wrong, harmful, and ultimately evil to require children to take these injections.

<u>Andy Sabin, is a medical program officer at a local fire department</u>, commented against the COVID-19 vaccine requirement. Mr. Sabin said he has kept unofficial data over the last few years, and the number of vaccinated and unvaccinated getting COVID is about equal. He said people should not be forced, it's personal choice. He said maybe in 10 years we can dial this in better and reconsider.

<u>Lisa Templeton</u> commented against the COVID-19 vaccine requirement. She said these conversations are misguided and there's no justification for subjecting children to the risk. She said if the mandate with these injections is approved for daycares and schools, children will die.

<u>Elizabeth Meine</u>, mother of 2, said she has several nieces and nephews and has taught early childhood education for 16 years. She said she lived in King County 25 years and commented against the COVID-19 vaccine requirement. She said what the board fails to understand is that families don't want the COVID vaccine forced on their kids, and we know the long-term effects. She said there are reports released on VAERS and Pfizer documents. She said the Board shouldn't be forcing this on young children when we don't know how this will affect them, there isn't enough research, and we don't know how this will affect their reproductive system and other systems.

Zana Carver said she has expertise in toxicology and pharmacokinetics. She commented against the COVID-19 vaccine requirement, saying Moderna is moving forward with an EUA for ages 6 months to 2 years. She said the vaccine includes SM102, which is highly toxic if inhaled or swallowed, and can cause cancer, anemia, and other impacts. Ms. Carver said this substance has never been tested for carcinogenicity and other factors. She asked why the Board would think about requiring the vaccine when you have a product that is unnecessary and extremely hazardous. She asked to allow freedom for parents to do the right decision for their children based on their circumstances.

<u>Bob Runnnells, Vancouver</u>, commented against the COVID-19 vaccine requirement and encouraged the Board to consider all the facts. He submitted written comments and said the shots don't prevent infection and transmission as much as people hope. He asked the board to pause and spoke about natural immunity.

<u>Sandy Stone</u> commented against the COVID-19 vaccine requirement, saying the current effects are harmful and the error to require is an error of grand scale.

<u>Pamela Engler</u> commented against the COVID-19 vaccine requirement since the full impacts are unknown.

<u>Monica Spence</u> commented against the COVID-19 vaccine requirement, saying she strongly opposes. Ms. Spence said children having severe effects from these vaccines and the VAERS numbers are way underreported.

<u>Emily Ling</u> commented against the COVID-19 vaccine requirement, saying she opposes the mandate for a number of reasons. She said the effectiveness fades in a number of months, and we don't know the impacts to children and other answers, like whether multiple shots or interaction with natural immunity have certain effects. She said it would be an unprecedented action to mandate a vaccine that is under EUA. She said we are not in a situation of high hospitalization or death with children. She said for multiple reasons, and for the reasons she submitted in the petition, she requests the Board not require the vaccine for children.

<u>Karli Reed</u> commented against the COVID-19 vaccine requirement, saying she strongly supports previous speakers, especially Dr. Carver regarding toxicity. She talked about studies that once mRNAs get into our bodies, it becomes permanent in our genomes through transcription. She said she has lost family members to the vaccine and she knows young people with heart conditions because of the vaccine. She talked about children with COVID that have had no symptoms, maybe a runny nose and slight fever, because they have natural immunity.

<u>Naomi Aldort</u>, author, commented against the COVID-19 vaccine requirement and said she knows parents don't want this. She said COVID is not a risk for children with serious morbidity. She gave an example of measles and practices that strengthen immunity. She said we shouldn't take risk where there is no risk. She said she doesn't want her grandchildren to take the risk for her sake. She said adults are adults; they can handle it and if they feel unsafe around their grandchildren, they can stay away especially if the children are showing symptoms.

<u>Karen Kraft</u> stated her agreement with previous callers. She said her daughter had COVID in college and she didn't get sick but her fully vaccinated friends got sick. Ms. Kraft said her friends who got the vaccine got COVID, her parents got the vaccine, which she said she is happy about since they're in a high-risk category. She said we don't know the long-term impacts of the vaccine, so don't require it.

<u>Diane Nelson</u> commented against the COVID-19 vaccine requirement. She thanked the Chair, as a retired teacher concerned with safety of children. She said she agrees with

everything that's been shared, saying even the TAG said so. She talked with her school superintendent who said that every single superintendent in the state has requested not to mandate the vaccine. She said her son said he will pull all her granddaughters out of school if this vaccine is required. She said there is data showing harmful effects of vaccine, such as the vaccine getting into the liver and changing DNA. She said we should not mandate harmful drugs to our children. She said The Nuremburg Code says EUA drugs cannot be required. She said children need to go to school and they need their education, and we should protect our children by saying no to this mandate.

Barsotti, Vice President of the Washington Chapter of the American Academy of <u>Pediatricians & Pediatrician and Chief Administrative Officer at Sacred Heart Children's</u> <u>Hospital in Spokane</u>, said the COVID vaccination is the most effective measure to protect against disease, but the WCAAP does not endorse requiring a mandate at this time. He said it has created unintended consequences. He said there are increasing behavioral health issues and decreasing academic performance. He said vaccine mandates have a long history of success and they are most successful when there is a high baseline of confidence among parents and caregivers. He said a mandate with low vaccine rates would create barriers and the risk of disease for children is below adults, although it is not zero. He said school transmission rates are not known and a mandate could have impacts to minority populations, specifically Hispanic children, which would create increased disparities among children.

<u>Natalie Chavez</u> said she has vaccine injured children on her caseload from approximately 25 years ago in Colorado. She said injuries and deaths for fully approved vaccines are real and these vaccines only have EUA. She said transparency is important and we should be grateful to the medical professionals that filed court documents against Pfizer about these vaccines. She said these documents are not available until 75 years from now.

<u>Sue Prosser</u> commented against the COVID-19 vaccine requirement, saying she agrees with the previous commenters, these are experimental vaccinations, and we don't know the long-term effects. She talked about the very serious complications and/or death among our youth, saying no one is a guinea pig. She talked about her opposition to the mandate, leaving the school system if it becomes mandated and the number of other parents planning the same. She's not blindly following, and she's been studying and doing research the last two years.

<u>Nicole Dale</u> commented against the COVID-19 vaccine requirement, saying he agrees with the rest of the callers and he doesn't think the vaccine should be mandated but rather it should be a choice for each individual family.

<u>Janet Baker</u> said she recently retired after 30 years as acute RN specializing in pediatrics. She commented against the COVID-19 vaccine requirement, asking the Board to follow the TAG recommendation. She referenced a doctor who spoke at a conference—he stated that it takes at least 5 years to test a vaccine because some effects don't show up at first. She said another doctor stated that the vaccine can cause permanent damage to bodily systems. She said the health-to-risk ratio does not warrant requiring the vaccine.

<u>Adrienne (Arias)</u> commented against the COVID-19 vaccine requirement and said she strongly supports all the comments. She said she's been following the COVID protocol money, saying this is not about our health. She appreciates the intelligent and researched work and said it is unconscionable that these protocols have gone this far considering the Board has had access to all the research that they have.

<u>Dawn Breen</u> commented against the COVID-19 vaccine requirement and appreciates what others have said. She said she is totally against mandating vaccination for any human being, old or young, unless they choose to do that themselves and said do not try to impose more of these restrictions, especially on our youth.

<u>Skylar Pond</u> father of 2 boys in the Seattle School System, commented against the COVID-19 vaccine requirement. He said the future credibility of the Board hangs in the balance of today's vote. He said the Seattle District's combined total death toll has been 100 over the last 2 years with no deaths among school-aged children and asked how can the Seattle School District justify mandating the vaccine? He said this short-sighted and ill-informed measure would permanently damage the Board's credibility.

<u>Johanna Carveth</u> commented against the COVID-19 vaccine requirement and said their family is not vaccinated or masked. She said their COVID symptoms were mild. She said the people who've been vaccinated still get COVID, so the vaccine doesn't prevent the virus and therefore should not be required for school aged children. She asked to do the right thing for our children, they want to be in school with their friends.

<u>Melissa Abelian</u> commented against the COVID-19 vaccine requirement and said she is beyond happy to hear the comments. She said it should be your own choice and she wants to make decisions on what to put in her kids' bodies. She said we need to wait to see more, the disease has been happening at her work and happening everywhere.

<u>Becky Wilkinson</u> commented against the COVID-19 vaccine requirement and said in spite of attempts by mainstream media and larger agencies to show only one side of COVID and COVID shot info, there is other data. She said the written comments may not be read, but voices will always be heard. She said under an EUA, the option to accept or refuse must be available to parents and she read a quote from the book Silent Spring by Rachel Carlson: "The obligation to endure gives us the right to know."

Kristi Rice, Pediatrician representing the General Chapter of American Academy of <u>Pediatrics</u>, serves as the vaccine co-chair for the WA chapter AAP. She said she echoes the stance of the AAP. She said as pediatricians we feel strongly about vaccines in general and the COVID vaccine role in preventing disease. She said at this time we don't feel the vaccine is warranted due to needs for attending school and the rate of disease in our state is low right now. She said it is not the right time for a mandate and we should continue to review data for future recommendations.

<u>Megan Wiseman</u> commented against the COVID-19 vaccine requirement. She said she runs a parent coalition in a tiny district of WA and their members represent over 25 percent of their district. She said they've linked arms with other parents around the state and their coalitions have grown like crazy since last July. She said parents are leaving this state in an exodus to protect their children. She said parents have promised to pull

their kids from schools and leave if the vaccine is mandated. She commented on being forced to take the religious exemption, and making parents claim to not allow any medical interventions for their children. She said parents know the risks of the vaccine and their members come from all walks of life.

<u>Margaret Nartea</u> commented against the COVID-19 vaccine requirement. She said children are at minimum risk from COVID and more at risk from the shot. She said the shots have hurt tons of people, this is immoral and against God.

<u>Barnali Basu</u> mother of an 11-year old and hoping to attend naturopathic medical school, commented against the COVID-19 vaccine requirement. She said she is tired of reading heartbreaking stories of COVID injuries. She talked about a Pfizer report and VAERS, saying there is a long list of side effects from the shot. She asked why are we trying to mandate a shot that harms organs of children? She said they are not moving out of Washington yet because they still have hope.

<u>Laura Jordan</u> said she echoes the previous commenters and wants to state on the record that she opposes the mandate.

<u>Jennifer Ringenbach</u> commented against the COVID-19 vaccine requirement and said she is shocked that this is topic is still on the agenda. She said the vaccine does not prevent transmission and carries significant risk. She said healthy children are at almost zero percent risk. She said thousands of children could be pulled from school and we need to do a risk-reward analysis in our decisions. She asked the board to follow the TAG's recommendation. She said before the pandemic, she fully trusted her doctors. She said the only good thing that has come of this is to wake us up and become aware of what is happening.

<u>Polly McIntyre</u> commented against the COVID-19 vaccine requirement and agrees with callers that the COVID vaccine should not be a mandate for kids. She said she appreciates comments and being able to share her voice.

<u>Sandy Stone</u> a registered nurse, commented against mandating a vaccination that has only trial experience. She said she did not get vaccinated, got COVID, and has immunity.

<u>Elizabeth Hovde, Washington Policy Center</u>, said she followed the TAG meetings. She agrees with their recommendation not to require COVID-19 immunization for school entry. She said vaccination is widely available to those who want it. She said masks are a far less intrusive measure, and those requirements are being lifted. She said the benefit of vaccination does not outweigh the cons. She said this latest vaccine is new and different from immunization for other diseases and the decision to receive a COVID vaccine should be between a doctor and their patient without pressure from the school.

<u>Shelly Eisenbarth</u> commented against the COVID-19 vaccine requirement and said she supports the other comments. She said the Board has not considered the implications since we are here talking about something that should be off the table. She is in favor of the TAG's recommendation.

<u>Nancy Callihan</u> commented against the COVID-19 vaccine requirement, saying she is the 50<sup>th</sup> person to comment and everyone has been opposed to mandating this. She said it has been said that the US will not be taken down from the outside, but from the inside. She asked if the Board and DOH be the minions of nefarious actors who benefit financially from this control and taking away of God-given rights to destroy our democracy? She said the fact that this is on this agenda is suspect and nefarious and this has never been about health and safety. She said the Board needs to wake up and stand up to the facts and data, and to consider not to damage our children any further.

Lyn Borcherding said he is opposed to this vaccine for children and said it is not a vaccine by definition. He said he hopes the board will take the TAG's recommendation to heart. He said every caller has said they are opposed to this vaccine being added to the school schedule and that the vaccine has done so much damage. He said children do not need this vaccine and they have more protections than adults. He said this is life or death and he is vehemently opposed to a vaccine mandate.

<u>John Davis</u> said he is opposed to the vaccine. He said the latest VAERS information from April 1 shows injury and illness among kids. He said he's personally been injured by the vaccine and is still feeling the effects after a year. He said he has been to the ER twice and has tremors from the vaccine. He echoed others, saying kids are at almost zero risk of COVID death. He said follow the money, please don't implement this, and he will be pulling his kids from school if you do.

<u>Tammie Lagerwey</u> said she sent in written comment in opposition to a vaccine mandate for children. She said there has not been enough education and research. She said all her grandchildren who have had COVID did not have symptoms. She has family members who are considering moving out of state if it's mandated.

The Board took a break at 11:00 a.m. and reconvened at 11:15 a.m.

#### 5. BRIEFING – RECOMMENDATIONS FROM THE TECHNICAL ADVISORY GROUP (TAG) TO CONSIDER COVID-19 FOR INCLUSION IN WAC 246-105-030

Tao Sheng Kwan-Gett, Chief Science Officer, TAG Co-Chair, introduced the topic and provided a reminder to the Board of their previous action to establish the TAG. He briefly discussed the TAG's meetings and introduced Samantha Pskowski, Board Staff, and Hannah Febach, Department of Health Staff. He emphasized to the Board that the TAG's recommendation reflects what is known about the COIVD-19 vaccine for children at this time, and that the evolving science and further data could lead the TAG to a different recommendation in the future.

Samantha Pskowski, Board Staff, and Hannah Febach, Department of Health, introduced themselves. Ms. Pskowski reviewed the Board's statutory authority to set requirements for school immunizations and applicable exemptions. She recapped the Board's previous work to establish criteria to guide decision making on new antigens and the Board's current process to consider which immunizations should be included in rule. Ms. Pskowski reviewed the Board's nine criteria which are encompassed in three categories: vaccine effectiveness, disease burden, and implementation. She discussed the timeline for the TAGs initial convening and subsequent meetings to review the COVID-19 vaccine against the Board's nine criteria to develop a recommendation regarding inclusion in rule.

Ms. Febach and Ms. Pskowski reviewed in detail each criterion, presentations given by subject matter experts at TAG meetings, as well as the TAG's discussion and vote on each criterion. Ms. Febach noted that in addition to the TAG members' ability to vote yes, no, or unsure for each criterion, members were also able to provide anonymous written comment for each vote. Ms. Pskowski discussed the TAG's final recommendation and their key discussion points. She said that ultimately the TAG voted not to recommend to the Board that the COVID-19 vaccine be added to the state's immunization requirements for school entry.

Dr. Kwan-Gett thanked Ms. Pskowski and Ms. Febach and highlighted a few key points, including the TAG's strong endorsement of the safety of the COVID-19 vaccine. He reiterated that while the TAG did not recommend adding the vaccine today, the science is evolving and does not mean the group wouldn't recommend it in the future. <u>Umair A. Shah, Secretary of Health and Board Member</u>, thanked Vice Chair Pendergrass, Dr. Kwan-Gett, staff, and everyone involved in the TAG process. He noted the process was methodical and thorough, and said the Department supports the safety and effectiveness of COVID-19 vaccinations in all populations. <u>Secretary Shah</u> affirmed the overall recommendation of the TAG, but noted that the recommendation does not take away from the Department's work to encourage the public to get vaccinated against COVID-19.

<u>Stephen Kutz, Board Member</u> thanked the TAG for its rapid and thorough consideration and recommendation. He stated that, in his experience on the Board, the process happened faster than any other TAG. Member Kutz said as the Board is evaluating the status of vaccinations for school entry, he hopes the Office of the Superintendent of Public Instruction (OSPI) is surveying schools to understand staffing needs for managing COVID-19 on an ongoing basis. He noted that many schools don't have full time nurses, and that this should be an opportunity for the school system discuss infrastructure needs in the future. He asked what circumstances would need to change in the future for the TAG to consider a different recommendation.

Dr. Kwan-Gett agreed with <u>Member Kutz's</u> comments regarding school staffing and infrastructure. He noted that the TAG had representation from school nurses and that there was group discussion on the administrative burden of the administering the vaccine. Dr. Kwan-Gett stated the TAG felt confident that the vaccine was safe and effective, but new data or a change in circumstances could affect criteria such as cost effectiveness or burden on schools and families. He said the cost-benefit analysis could change based on a new variant that, for example, could cause more severe disease in children. Ms. Pskowski added that the TAG surveyed school staff and administrators regarding administrative burden related to implementing COVID-19 vaccine. She said respondents overwhelmingly supported vaccination of their students, but noted that the administrative burden would be high to implement.

<u>Member Kutz</u> commented that he hopes the schools would be able to quantify the financial burden of implementation. He recommended considering whether the state

should ask schools to take action to better understand disease burden in schools in lieu of contact tracing.

<u>Bob Lutz, Board Member</u> echoed Dr. Kwan-Gett's and <u>Secretary Shah's</u> comments. He discussed the transmissibility of COVID-19 variants and the evolving data currently available to public health. <u>Member Lutz</u> noted that transmission does occur among children at schools and within families, and that recent data shows higher infection among unvaccinated children. He said vaccination is a humanitarian approach to slow down the pandemic's spread, but that we need to be conscious of the unintended consequences of requiring the COVID-19 vaccine at this time. <u>Member Lutz</u> discussed educators' concerns with parents pulling children from school, routine vaccines being missed, and vaccination disparities among ethnic groups.

<u>Elisabeth Crawford, Board Member</u> thanked staff and TAG co-chairs. She asked if there is any current data that indicates hospitalizations or deaths have been correlated to transmission by children. Dr. Kwan-Gett responded that the Department has data connecting vaccinations to hospitalization or death, but unsure if we have that level of detail. Ms. Febach said that transmission information would typically come from large scale surveillance studies that are not available at this time.

<u>Patty Hayes, Board Member</u> expressed her gratitude to the TAG and staff. She emphasized that the Board's process is transparent and intentional, and that she agrees with the TAG's recommendation at this time. <u>Member Hayes</u> said we have many lessons learned from this pandemic and nurse staffing in schools has long been a problem. She said she hopes the discussion of this need doesn't fade away. <u>Member</u> <u>Hayes</u> recommended the Board review how ACIP recommendations are included in the Board's criteria for evaluating school immunizations.

<u>Secretary Shah</u> thanked Board members and noted that this is something that we want to ensure we get right. He addressed the trust in the process and said there are two ways to end the pandemic – transactional and transformational.

<u>Temple Lentz, Board Member</u>, thanked the TAG and staff for extensive and detailed work. She echoed <u>Member Hayes'</u> comments and said she appreciates the detail and rigor applied to answering these important questions. <u>Member Lentz</u> stated that given the unknowns at this time, this is the appropriate action, and that she supports finding ways to secure additional school nurse staffing to address implementation needs in the future.

<u>Member Crawford</u> shared that this is a hard decision to make given the information we have at this time, and that she appreciates the TAG's process. She agrees with the TAG's recommendation. <u>Member Crawford</u> noted that the public's trust in public health is lacking, and that she hopes the public keeps an open mind based on evolving data and that the Board may need to consider this in the future.

<u>Member Kutz</u> reiterated that this is a thorough process and supports the TAG's recommendation. He reminded the public that it is unacceptable to threaten Board members, staff members, and TAG members.

**Motion:** The Board accepts the technical advisory group's recommendation to not include COVID-19 in WAC 246-105-030 and will not initiate rulemaking at this time.

Motion/Second: Secretary Shah/Member Hayes. Approved unanimously

The Board recessed for lunch at 12:15 p.m. and reconvened at 1:10 p.m.

## 6. EMERGENCY RULE – <u>NOTIFIABLE CONDITIONS, COVID-19 REPORTING</u>, WAC 246-101-017

<u>Member Kwan-Gett</u>, <u>Chief Science Officer and Secretary's Designee</u> introduced the topic and explained that the Board's current emergency rule for COVID-19 reporting expires April 20, 2022.

<u>Kaitlyn Donahoe, Board Staff</u> shared that COVID-19 laboratory reporting guidance from the Department of Health and Human Services (HHS) under the CARES Act has been updated. She said the updates include changes in reporting requirement by testing entity and test type, noting that certain entities no longer need to report negative COVID-19 test results. Ms. Donahoe discussed details of the proposed seventh emergency rule including language aligned with updated HHS guidance with modification (see materials on file).

<u>Chair Grellner</u> opened the floor for questions. <u>Member Hayes</u> thanked Ms. Donahoe for the side-by-side comparison of the prior and updated HHS guidance.

#### Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

**Motion:** The Board adopts a seventh emergency rule to extend the designation of COVID-19 as a notifiable condition and the required reporting of essential testing and demographic data to maintain the necessary public health response to COVID-19. The Board directs staff to file a CR-103E to extend WAC 246-101-017 without lapse, effective April 20, 2022.

Motion/Second: Member Hayes/Member Crawford. Approved unanimously.

## 7. RULES HEARING – <u>LOCAL BOARD OF HEALTH COMPOSITION</u>, CHAPTER 246-90 WAC

<u>Temple Lentz</u>, <u>Board Member</u>, introduced the background and process of the rulemaking (see materials on file).

<u>Kaitlyn Donahoe, Board Staff</u> reviewed the Board's rulemaking authority regarding the appointment process for local board of health members who are not elected officials. She went over the rulemaking scope and timeline (see materials on file). Ms. Donahoe said the Board's rules must go into effect by July 25, 2022 per statutory requirement.

<u>Sam Pskowski, Board Staff</u> discussed the Board's community engagement strategy for this project and feedback received throughout the rulemaking process. She explained the proposed rules in detail and discussed some of the rationale for including certain

provisions. Ms. Pskowski noted staff received many questions and comments from interested parties that fell outside the scope of the Board's rulemaking.

<u>Ms. Donahoe</u> reviewed comments on the proposed rules received during the formal public comment period, as well as staff recommendations for addressing the comments. She said comments included support for incorporating community representation and a diversity of views and experiences on local boards of health, a question regarding reimbursement of costs to local boards of health if nonelected members are reimbursed, as well as concern regarding nonelected members being chosen by a majority vote of county commissioners. Ms. Donahoe said that staff had no recommendations to revise the proposed rules based on these comments. She noted the Board received comments from the American Indian Health Commission regarding tribal representation in the proposed rules. Ms. Donahoe said staff recommended omitting language regarding requirements for tribal representatives on local boards of health and instead citing applicable statutes for clarity. She also discussed recommended technical corrections to the proposed rules (see materials on file).

Chair Grellner opened the floor for questions.

<u>Member Kwan-Gett</u> asked about the definition of "public health, healthcare facilities, and health care providers" which includes employees of a hospital within the county. He asked for clarification of intent on including employees of a hospital in a county who may not have subject matter expertise. <u>Member Kwan-Gett</u> pointed out that a hospital has a variety of staff from a CEO to gift shop staff. He asked whether further definition might help fulfill the intent of the law. Ms. Donahoe said she could not speak to the intent of the legislation, and that several terms are defined in statute. She said the proposed rules mirror state law where applicable.

<u>Member Kwan-Gett</u> expressed concern. He said that the definition could mean someone who simply has an affiliation with a health care facility, which would fulfill the requirement of the category but not meet the intent of the law.

<u>Lilia Lopez, legal counsel</u>, asked about the inclusion of the word "district" within one of the definitions staff recommended to revise, and pointed out that inclusion of the word was not necessary. Ms. Pskowski said staff would strike the proposed revision.

<u>Member Kutz</u> asked about the phrase "usual and accustomed area" with regard to tribal representation requirements in the proposed rules. Ms. Donahoe said the terminology in the proposed rule mirrors the language in statute. She said staff recognized the statute could be interpreted differently by different people, and that the language was considered problematic by the American Indian Health Commission. Ms. Donahoe said staff recommend omitting this language and instead refer directly to statute. She also mentioned that the selection and appointment of tribal representatives is outside of the Board's statutory authority.

<u>Member Kutz</u> said for the record that a reservation is not necessarily where a tribe came from. He said that for example, part of the Yakama tribe [Confederated Tribes of the Yakama Nation] included the Palouse tribe who fought the battle of the cavalry in Colfax county. He said treaty rights extended down to the mouth of the Columbia River.

He said that he wanted to make the point that the Tribe could be included in a number of counties.

<u>Chair Grellner</u> read a prepared statement and said testimony should address the Rules hearing topic. Chair Grellner opened the rules hearing at 2:01 pm.

Adrienne Arias, supported the rules and gave time over.

<u>Brian Harris</u>, said there are a lot of technicalities, rules and numbers. He said there are people who are working that have been fired due to mandates. <u>Chair Grellner</u> said this reminded Mr. Harris that the rules hearing was not about mandates.

Chair Grellner closed the Public Testimony for the Rules Hearing at 2:09pm.

Chair Grellner opened the floor for discussion.

<u>Member Hayes</u> asked <u>Member Lentz</u> whether her motion included staff recommendations and legal counsel recommendations. <u>Member Lentz</u> said the motion included the recommendations of staff and legal council's recommendation.

<u>Member Kutz</u> asked whether there was a risk of local health jurisdictions not following the requirements to have tribal representation on their boards if the language is removed from the proposed rules. He reiterated that all tribal representatives are vetted and appointed through the American Indian Health Commission. <u>Member Kutz</u> expressed concerns with districts who interpret the statute to mean that only one tribal seat is required regardless of the number of tribes in the area. He said from his perspective, boards should include all tribes in the area, and if no one applies for those positions there should be a seat reserved for the tribe.

<u>Chair Grellner</u> said the approval of the American Indian Health Commission is in statute that staff tied the administrative code to statute. <u>Chair Grellner</u> said the general idea of the legislation was a good, but that the execution from the legislature was not ideal. He said that local health jurisdictions were not engaged in the process, and he was not sure if tribes were engaged – they could have been and should have been. <u>Chair Grellner</u> said he thought the legislation deserved time and deliberation, but unfortunately it was a rushed process that resulted in a tight rulemaking timeline and missed opportunities to clarify tribal representatives and include representatives from behavioral health providers. He said he supported the proposed rules given the limitations of the statute.

#### **Recommended Board Actions:**

The Board may wish to consider, amend if necessary, and **adopt** the following motion:

**Motion:** The Board adopts the proposed rules establishing chapter 246-90 WAC as published in WSR 22-06-063, with revisions agreed upon at today's meeting, if any. The Board directs staff to file a CR-103 and establish a July 1, 2022 effective date.

Motion/Second: Member Lentz/Member Hayes. Approved unanimously.

## 8. DEPARTMENT OF HEALTH NOVEL CORONAVIRUS (COVID-19) UPDATE AND OTHER UPDATES

<u>Umair A. Shah, Secretary of Health and Board Member,</u> shared the department's update (see materials on file). He discussed the Department's equity, innovation and engagement principles. <u>Secretary Shah</u> discussed the current state of COVID-19 within Washington State and commented that the outlook is better in the U.S. and state pandemic continues, but that the ups and downs continue.

Tao Sheng Kwan-Gett, Chief Science Officer, discussed hot spots for COVID-19 transmission in the United States, sharing a map, noting that Washington rates are low and lower than at the onset of the omicron variant. Dr. Kwan-Gett shared information on the different variants of COVID-19 circulating in Washington and discussed the severity of illness with the BA2 variant being lower. He provided an overview of the epidemiological curve of Washington cases, noting a mild uptick in case counts in larger Western Washington counties. He commented that hospitalization rates are not similarly increasing, but that staffing challenges and delayed care continue to stress the system. Dr. Kwan-Gett presented on the vaccination rates by age, race and ethnicity, rural and urban, as well as second booster dose rates for eligible populations.

<u>Secretary Shah</u> provided an overview of the Washington Forward plan, including the Say Yes to COVID test initiative and other priority areas (see materials on file). <u>Secretary Shah</u> shared that the Department seeks to think about how to impact and invest in public health systems. He asked Board members if there are particular areas of Department work that are of interest for future updates to please let him know.

<u>Member Hayes</u> commented on the role that public health can play in indoor health, not just in the school space. She highlighted the new Climate Pledge Arena as a leader in new technology for indoor ventilation and asked the Secretary how he sees the Department entering into this space. <u>Secretary Shah</u> commented that ventilation is critical to improving health and preventing risk and that there has been a lot of talk about this topic, but that funding is a challenge. He shared that the Department supports those businesses who wish to work to upgrade or retrofit their facilities. Dr. Kwan-Gett echoed the Secretary's comments. He commented on the capital investments needed for upgrading HVAC systems and that the Department can advocate for more investment in this space. <u>Member Hayes</u> noted that she would like to see this added to the Board's strategic plan. <u>Secretary Shah</u> followed up that ventilation is called out in the WA Forward plan.

<u>Member Kutz</u> shared that <u>Executive Director Davis</u> had shared a report out earlier that looked at school ventilation systems and that this information is probably outdated. He also shared concerns around pediatric immunization rates and the school environmental health and safety rules that have been put on hold.

<u>Secretary Shah</u> commented on the Department's priority of transformational health and there is an opportunity to look at these systems but that it requires will to make those policy decisions.

<u>Member Kutz</u> asked what is being done to increase surveillance in schools, noting that it will require monitoring to understand the situation moving forward and challenges.

<u>Secretary Shah</u> responded that this is an area the Department continues to work with local partners on and best practices from around the country. Dr. Kwan-Gett agreed that more data from schools would be helpful and that there is a sweet spot of practical data that is not burdensome for reporting.

The Board took a break at 3:00 p.m. and reconvened at 3:15 p.m.

#### 9. <u>RULEMAKING PETITIONS</u> – THE BOARD HAS RECEIVED REQUESTS TO ADOPT A NEW RULE IN CHAPTER 246-105 WAC, <u>IMMUNIZATION CRITERIA, CHILD</u> <u>CARE AND SCHOOL ENTRY</u>

<u>Keith Grellner, Board Chair</u>, introduced board staff presenting. <u>Samantha Pskowski, Board Staff</u>, gave background on the policy for petitions, background on petitions received and content of the current Board rule. (see materials on file).

<u>Member Kutz</u> said we've considered issues similar to these before and commented on the Board's rigorous process for considering changes and made a motion.

<u>Member Kwan-Gett</u> said that an incorrect assumption the petitioners cite is that COVID-19 isn't dangerous for children. However, he noted, that COVID-19 is the fourth leading cause of death for children last year and shared Washington State child mortality rates. He continued that we can't handcuff the rule with criteria such as suggested, need to leave the process of gathering and considering the data up to the TAG to consider the complexities and whole picture.

<u>Chair Grellner</u> agreed with <u>Member Kwan-Gett</u> and <u>Member Kutz's</u> comments and said that the earlier outcome from the TAG shows the process does work.

#### **Recommended Board Actions**

The Board may wish to consider, amend if necessary, and adopt one of the following motions:

**Motion:** The Board declines the petition to initiate rulemaking to amend chapter 246-105 WAC for the reasons articulated by Board members and directs staff to notify the requestors of the Board's decision.

Motion/Second: Member Kutz/Member Bessermin. Approved unanimously

#### **10. RECOGNIZING BOARD MEMBER CONTRIBUTIONS**

<u>Chair Grellner</u> recognized Members Bessermin and Pendergrass for their service and contributions to the Board. He read Resolution 2022-02 for Member Bessermin. He read Resolution 2022-01 for Member Pendergrass for the Board's consideration.

<u>Member Crawford</u> wished Member Bessermin the best of luck, thanking her for her role and said she has patience and wisdom and brings things together like nobody's business. She would have loved to meet her in person, but feels she got to know Member Bessermin, saying she's brought institutional knowledge. <u>Member Lentz</u> echoed Member Crawford's statements, saying her wisdom, patience and humor has made it incredible to serve alongside Member Bessermin, and she offered her best wishes, saying she'll be missed. <u>Member Lutz</u> said he's the driver when commuting for Board meetings, said he will miss Member Bessermin and watching the Gonzaga Bulldogs. They recently saw each other in the Bryce Canyon and he'll enjoy seeing her in her new role as retired from the Board.

<u>Member Kwan-Gett</u>, thanked Member Bessermin for her wisdom and humor, saying he wished they could have met in person, but perhaps in the future. He wished her the best of luck.

<u>Chair Grellner</u> said he will miss Fran a lot. He said they spent their entire Board careers together. He said two words come to mind for her, patience and wisdom. <u>Chair Grellner</u> said he is grateful to serve with her, at opposite ends of the state and he will cherish the fond memories and wishes he could give her a hug.

<u>Member Bessermin</u> said she is not sure about the patience part of this. She said when Hal and her married six years ago, she vowed to have more patience and 250 people laughed. She thanked her colleagues for acknowledging some patience. She said she has a heavy heart leaving, and all the board members are incredible. She enjoyed her driver Dr. Lutz and all the incredible staff. She said it was a pleasure to serve with dedicated and experienced members and she will miss them. She said the Board is in great hands with new members being appointed. <u>Member Kutz</u> said if she is impatient, she disguises it well.

#### Motion: Move to adopt Resolution 2022-02 Recognizing Fran Bessermin

#### Motion/Second: Member Kutz/Member Crawford. Approved unanimously.

<u>Member Kutz</u> said we should roast him in person. <u>Member Lutz</u> asked if we could make the 10-second rule a defacto and default going forward.

<u>Member Kwan-Gett</u> said he met Dr. Pendergrass over 30 years ago when he came to Seattle to start his internship at Seattle Children's Hospital. Dr. Pendergrass was one of his faculty members. <u>Member Kwan-Gett</u> never thought he would serve as a co-chair on a committee with him. <u>Member Kwan-Gett</u> appreciates his knowledge, wisdom and sense of humor the same now as when he met him years ago and is happy for his next stage of career.

<u>Member Bessermin</u> said she expressed her feelings to him earlier. She said he is a delightful, bright man and she enjoyed his hugs.

<u>Member Crawford</u> said she appreciated his institutional knowledge, and he set the bar high for board members. She has already adopted the 10-second rule and wishes he was here so she could personally express her appreciation.

<u>Chair Grellner</u> said he's been an incredible mentor through these many years on the board and in public health.

Motion: Move to adopt Resolution 2022-01 Recognizing Dr. Tom Pendergrass

#### Motion/Second: Member Kwan-Gett/Member Kutz. Approved unanimously.

#### **11. BOARD MEMBER COMMENTS**

Keith Grellner, Board Chair called for any comments.

<u>Member Lutz</u> said he just returned from his first National Conference since the pandemic, with 4,700 of his closest friends talking about behavioral and mental health. He talked about the increase in mental health issues during the pandemic, but in reality these issues actually preceded the pandemic. He said more than 2,000 people died in WA from overdoses in 2021 and up to 105,000 people died from overdoses across the country. He said we should look at moving forward.

Motion: Move to adjourn

Motion/Second: Member Bessermin. Approved unanimously.

#### ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 3:45 p.m.

#### WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

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Draft Minutes of the State Board of Health Special Meeting May 27, 2022 Electronic meeting via ZOOM Webinar

#### State Board of Health members present:

Keith Grellner, RS, Chair Bob Lutz, MD, MPH Elisabeth Crawford Temple Lentz, MOL Stephen Kutz, BSN, MPH Patty Hayes, RN MN Tao Sheng Kwan-Gett, MD, MPH, Secretary's Designee Kelly Oshiro, JD Socia Love-Thurman, MD

#### State Board of Health members absent:

Melinda Flores

#### **State Board of Health staff present:**

Michelle Davis, Executive Director Kaitlyn Donahoe, Health Policy Advisor Nathaniel Thai, Communication Consultant Lilia Lopez, Assistant Attorney General

#### **Guests and other participants:**

<u>Keith Grellner, Board Chair,</u> called the public meeting to order at 2:32 p.m. and asked Board members to introduce themselves.

 APPROVAL OF AGENDA Motion: Approve May 27, 2022 agenda Motion/Second: Hayes/Kutz. Approved unanimously

#### 2. DISCUSSION—DETERMINATION OF MEETING FORMAT FOR THE REMAINDER OF THE DECLARED STATE OF EMERGENCY

<u>Michelle Davis, Board Executive Director,</u> greeted the Board and directed Board members to materials in their packets under tab 2. Ms. Davis explained that the purpose of the special meeting is to determine the Board's meeting format for the remainder of the declared state of emergency, which expires June 30, 2022. She provided background on Governor Inslee's prior emergency proclamations during the pandemic, one of which prohibited in-person meetings and suspended portions of the Open Public Meetings Act (OPMA) related to the physical location of meetings. Ms. Davis said that Governor Inslee recently rescinded this proclamation, effective June 1, 2022, and that the Board must determine how to hold future public meetings during the declared state of emergency. She explained the Board's typical meeting format and procedures prior to the state of emergency and reminded Board members that Board staff offices are colocated with the Department of Health and subject to their facility policies. Ms. Davis then outlined options for the Board to consider and said the Board can revisit their determination anytime during the declared state of emergency.

Lilia Lopez, Assistant Attorney General to the Board, said that this a question of the Board considering whether it is safe to meet in person during the declared state of emergency. She clarified that the reason this is being considered during a special meeting is the timing of the proclamation recission during the declared state of emergency and recent amendments to the Open Public Meetings Act.

<u>Keith Grellner, Board Chair,</u> said that local boards of health are also considering whether to meet virtually or in-person moving forward. He asked Dr. Tao Sheng Kwan-Gett and Dr. Bob Lutz what the Board should consider when talking about meeting in person again regarding COVID-19.

<u>Tao Sheng Kwan-Gett, Chief Science Officer and Secretary's Designee</u>, said Washington state is experiencing a rise in COVID-19 case counts and hospitalizations. He said this is occurring after a very large peak in cases, hospitalizations, and deaths during the Omicron wave in January 2022. <u>Member Kwan-Gett</u> said the levels of current activity are not approaching the January peak, but cases have been rising and there have been new Omicron sub-variants growing in both the nation and in Washington state. He said the future of the pandemic is very much uncertain, and that it's uncertain if new variants will occur or be more transmissible or result in severe disease.

<u>Chair Grellner</u> said that public health may not have accurate information regarding case rates due to the availability of over-the-counter testing and that public health doesn't know the true burden of disease in the communities.

<u>Member Kwan-Gett</u> agreed and said the state Department of Health's statistics are based on reported data. He said it is estimated to be as low as 18 percent of total actual cases.

<u>Bob Lutz, Board Member</u>, said that although we are not close to the peak we are approximating the peak we saw with the Delta surge. He said that while vaccination rates and other factors have decreased hospitalizations and mortality we need to continue to operate cautiously as there is still a pandemic.

<u>Steve Kutz, Board Member</u>, said the Governor's Interagency Council on Health Disparities had to consider these same questions for their meetings. He shared that the Suquamish tribe is conducting aggressive ongoing testing and employees are required to be vaccinated, but several employees are still out sick with COVID. <u>Member Kutz</u> shared that it is incumbent upon the Board to set a good example with whatever decision is made.

<u>Member Kwan-Gett</u> said the Board might also want to consider the safety of public health employees in its decision citing recent intimidation tactics used by protestors and demonstrators.

<u>Elisabeth Crawford, Board Member,</u> asked if the Board's decision would only be in effect until the end of the emergency declaration and if in-person meetings would resume automatically after the state of emergency expires.

Ms. Davis responded that when the state of emergency ends, the Board would resume in-person meetings that are open to the public for their participation. She added that because of Engrossed Substitute House Bill 1329, passed during the 2022 legislative session, the Board will be able to incorporate the opportunity for the public and Board members to participate virtually in future meetings. Ms. Davis said her hope is that most Board members would participate with staff in person at future meetings.

<u>Member Crawford</u> asked for clarification whether the Board's decision would only be in effect until June 30. Ms. Davis confirmed. Ms. Davis said if the state of emergency is extended the decision would be maintained until the end of the declared state of emergency.

<u>Member Kutz</u> asked if the Board's decision is based on the state or federal state of emergency.

<u>Chair Grellner</u> responded that currently both the federal and state emergency declarations end June 30, 2022. He said based on the law, the Board can make this decision based on a federal, state, or local emergency.

<u>Patty Hayes, Board Member</u>, said she supports meeting virtually through the end of the state of emergency. She said that we're still in questionable territory in the pandemic.

<u>Chair Grellner</u> agreed with the option to continue virtual meetings. He said that he misses in-person meetings, but now is not the time to resume. <u>Chair Grellner</u> also agreed with Member Kutz in that it is the Board's duty to lead by example.

**Motion:** Due to the COVID-19 state of emergency as well as the reasons articulated by the Board today, the Board determines it is not reasonably safe to hold in-person meetings at this time. The Board directs Board staff to organize fully remote meetings for the duration of the Washington State of Emergency or the National Emergency, whichever terminates later.

Motion/Second: Crawford/Kutz. Approved unanimously

#### ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 3:02 p.m.

#### WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

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## **Melinda Flores**

Deeply rooted in service, Ms. Flores benevolently works with underrepresented, underserved, and vulnerable communities. She is passionate about utilizing innovative and diverse strategies that stimulate inclusive practices with high-function systems to ensure equitable, quality health care systems for all.

Melinda "Mindy" Flores currently serves as the Dental Quality Assurance Manager at Swinomish Indian Tribal Community (SITC) Dental Clinic with a strong background in strategy, quality improvement, systems transformation, and facilitative leadership. Ms. Flores is also an executive team member of the newly developed dəx•xayəbus - Dental Therapy Education Program at Skagit Valley College (SVC) and its affiliated partner, SITC. dəx•xayəbus, pronounced as dahf-hi-yabuus, is a Lushootseed tribal word meaning Place of Smiles. She is an active member of numerous national, state, and local health boards and community groups that support and promote oral health initiatives and programs.

Mindy earned a bachelor degree from Seattle University and a master's with emphasis in Healthcare Management Administration. She shares a blessed life with her husband, Jesse and three keikis – Theodore Makana, Jesse Allen, and Amelie.

### Socia Love Thurman, MD

From promoting higher education among Native American youth during her years at the University of Oklahoma to founding the first chapter of the Association of Native American Medical Students (ANAMS) at the University of Minnesota-Duluth Medical School, Dr. Socia Love-Thurman (Cherokee/Yuchi/Delaware) has always shown her passion for education and care for her community. It was through ANAMS that she developed a mentorship program for Native medical students and physicians across the country.

Pursuing her specialty training in Family Medicine at the Seattle Indian Health Board (SIHB), a non-profit community health clinic whose mission statement is "For the Love of Native People," was a natural next step. Following her training, she served as SIHB's residency director for 4 years, coupling her enthusiasm in recruiting and retaining doctors who share the organization's love and commitment to the diverse, underserved communities which visit the clinic. Dr. Love-Thurman is now Chief Health Officer for SIHB, a position which allows her to further advocate for equitable health care. At SIHB, she provides care to all ages, including obstetrics and hospital medicine. In her free time, Dr. Love-Thurman enjoys exploring the PNW with her husband and two young children, dancing traditional southern buckskin at pow wows, cycling and swimming, and engaging in social justice work.

## Kelly Oshiro, JD

Kelly Oshiro is an Assistant Attorney General for the Washington Attorney General's Office serving the Department of Children, Youth and Families in Southwest Washington. She previously worked as a family law attorney at a local firm in Portland. Prior to law school, she worked as Demographic Research Analyst at the Office of Hawaiian Affairs preparing reports on health outcomes in Native Hawaiian populations and also served as a Healthcare Policy Analyst for Governor Neil Abercrombie in the State of Hawaii. Kelly received her undergraduate degree from the University of Washington and juris doctor from the University of Oregon.



STATE OF WASHINGTON

#### OFFICE OF EQUITY

*Insurance Building, PO Box 43008* • *Olympia, Washington 98504-3113* • (360) 902-3355

Dear Chair Brenda Mallory:

The Washington State Office of Equity, in partnership with state agencies coordinating a statewide approach to environmental justice, thank you for the opportunity to comment on the proposed Council on Environmental Quality's beta Climate and Economic Justice Screening Tool (CEJST). Our state is implementing new environmental justice laws, policies and tools aimed at reversing decades of environmental racism. We invite the Council on Environmental Quality to partner with us to learn more about our efforts and ensure they complement each other.

We are extremely concerned that the CEJST does not include race or ethnicity as indicators to identify "disadvantaged communities" for several reasons.

First, using a "race-neutral" approach at the national level to address current and historical environmental injustices further perpetuates the systemic racism giving rise to the need for the CEJST and the Justice40 initiative in the first place.

The environmental justice (EJ) movement was built on community activism to address **environmental racism**. In 1982, civil rights activists organized to stop North Carolina from dumping millions of pounds of polychlorinated biphenyl (PCB)-contaminated soil into Warren County, the county with the highest proportion of Black residents in the state.<sup>i</sup> This movement sparked decades of research documenting the inequitable impacts of environmental pollution on Black, Indigenous, and People of Color communities. Ignoring race and ethnicity in any map, tool, policy, program, approach, or dialogue to address environmental injustice shows a blatant disregard for both the history of the EJ movement and the people who have historically been, and continue to be, disproportionately overburdened by pollution, systematically excluded from community benefits and investments, and harmed by resultant environmental health inequities.

Second, excluding race and ethnicity from CEJST directly conflicts with the policy of the Biden administration to "listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities... .<sup>"ii</sup> It is impossible to distribute the benefit of environmental justice to **all** Americans without first reckoning the unequal distribution of burden borne by individuals who belong to communities that have been systematically denied a full opportunity to participate in all aspects of economic, social, and civic life.

In addition, we were unable to find the CEJST - or the comment portal - in any language other than English. Because linguistically isolated communities are also extremely impacted by environmental injustices, a public review and comment period that excludes communities who have limited English proficiency almost guarantees that the CEJST will exclude these communities.

Finally, a race-neutral approach is antithetical to our commitment in Washington state to <u>manifest a pro-equity anti-racism ecosystem</u> where everyone flourishes and achieves their full potential now and for future generations. Because we recognize the connection between human systems and nature systems, in 2021, the Washington State Legislature passed the Healthy Environment for All (HEAL) Act (<u>Chapter 70A.02 RCW</u>). The HEAL Act takes a historic step towards ensuring state government policies and operations address environmental injustices. Both the law and the implementation of the law center racial justice because the scientific evidence and community voices overwhelmingly confirm that we cannot address environmental injustices of exposure to environmental harms, even after controlling for income.<sup>III</sup> Race is consistently a "more important predictor than income of where environmental hazards are located."<sup>IV</sup> The data and research confirm that income cannot serve as a proxy for race.

To illustrate the potential harm of using CEJST in Washington state, Dr. Esther Min, Geographic Information System (GIS) researcher and environmental justice expert in Washington, created a <u>storymap</u> comparing communities in our state that are designated as "disadvantaged" using CEJST and those that are identified as most impacted by environmental injustices using the <u>Washington Environmental Health</u> <u>Disparities Map</u>. Washington's map includes race and ethnicity as one of nineteen indicators to identify communities most impacted by environmental injustices. Black, Indigenous and People of Color communities most impacted by environmental injustices would be visible using the Washington Environmental Health Disparities Map, yet, they would be rendered invisible by the current beta version of CEJST. Federal actions and decisions that rely on CEJST as a screening mechanism would result in inequitable access to federal funding dedicated under Justice40, thus perpetuating injustice.

As government, we are duty-bound to strategically invest and direct benefits to those communities most impacted by environmental harms, are experiencing the highest rates of health risks and disparities, and are furthest from experiencing the standards of wellbeing afforded to other areas and communities. Intentionally investing in Black, Indigenous, and People of Color Communities is paramount in this duty. Furthermore, by having state and federal tools that point to different communities in need, we risk creating more confusion about where to invest and direct benefits to address inequities. Since many state agencies facilitate distribution of both federal and state funding, this contradiction would also create unnecessary inefficiencies and challenges in administering programs.

We urge the Council on Environmental Quality to be bold and embrace its responsibilities and accountability to "affirmatively advancing equity, civil rights, racial justice, and equal opportunity" in its policies and programs (Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) by adopting a CEJST algorithm that both 1) acknowledges that racism is the burden that causes Black, Indigenous, and People of Color communities to experience inequitable environmental and health outcomes and 2) mathematically eradicates this burden for Black, Indigenous, and People of Color communities.

Again, we stand at the ready to collaborate with the Council on Environmental Quality. We can illustrate ways our tools have effectively integrated multiple streams of data, including data on race and ethnicity, and how we are working to improve these tools to assist with new environmental justice requirements.

Let us be the generation that gets this right for generations to come.

Equity and Justice for All,

Karen A. Johnson, PhD

Karen A. Johnson, PhD (she.her.Beloved) Director | 360.480.7453

Laura Watson Director Washington State Department of Ecology

Benjamin Danielson Chair Governor's Interagency Council on Health Disparities

Auth Whye

Michael Furze Assistant Director, Energy Division Washington State Department of Commerce

David M. Bayne, MPH Deputy Secretary Office of Strategic Partnerships Washington State Department of Health

Bon mit of.

Roger Millar, PE, FASCE, FAICP Secretary of Transportation Washington State Department of Transporation

Keith Grellner, RS Chair Washington State Board of Health

Eliseo (EJ) Juárez, MA Director of Equity and Environmental Justice Washington State Department of Natural Resources

Laura Blackmore Executive Director Puget Sound Partnership

actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackleclimate-crisis/?msclkid=693ba13bb5fe11ecbfeee8b2524aebee.

<sup>III</sup> See for example: Kristoffer Wikstrom, Trisha Miller, Heather E. Campbell, Michael Tschudi (2018). Environmental Inequities and Water Policy During a Drought: Burdened Communities, Minority Residents, and Cutback Assignments. RPR, Volume 36 Issue 1, 4-27; Zwickl K, Ash M, Boyce JK (2014). Regional Variation in Environmental Inequality: Industrial Air Toxics Exposure Disparities by Income, Race and Ethnicity in U.S. Cities. Ecol Econ 107:494–509; Ash M, Robert Fetter T (2004). Who Lives on the Wrong Side of the Environmental Tracks? Evidence from the EPA's Risk-Screening Environmental Indicators Model. SocSci Q85:441–462.

<sup>iv</sup> Paul Mohai, David Pellow, J. Timmons Roberts (2009). Environmental Justice. Annual Review of Environment and Resources 34:1, 405-430 *at page 409*.

<sup>&</sup>lt;sup>i</sup> Paul Mohai, David Pellow, J. Timmons Roberts (2009). Environmental Justice. Annual Review of Environment and Resources 34:1, 405-430.

<sup>&</sup>lt;sup>ii</sup> Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. (2021). Available from: https://www.whitehouse.gov/briefing-room/presidential-



PO Box 47990 • Olympia, Washington 98504-7990

April 25, 2022

Julie Barrett and Emily Ling P.O. Box 12181 Mill Creek, WA 98082

Sent Via Email

Dear Julie Barrett and Emily Ling:

Thank you for the rulemaking petition you submitted to the State Board of Health (Board) on March 18, 2022 requesting amendment to chapter 246-105 WAC. Specifically, you requested the Board adopt new rules to prohibit the inclusion of any product in the school immunization rules that has an emergency use authorization or has not completed Phase 3 clinical trials unless pediatric hospital capacity is below 50% and the pediatric death rate from the condition is greater than 1%. The Board has authority under RCW 28A.210.140 to adopt the substantive and procedural requirements for full immunization of child care and school aged children. These rules are established in chapter 246-105 WAC.

The Board met on April 13, 2022 and after reviewing and discussing your petition, voted to deny your request. The Board denied the petition for the following reasons. The Board concluded that there exists a rigorous process for reviewing candidate antigens for inclusion in chapter 246-105 WAC. The Board referred to the need to allow the technical advisory group and subject matter experts to review all the information and not rely on a small number of surveillance indicators. For these reasons, the Board denied your petition.

As you may be aware, under RCW 34.05.330, a petitioner may appeal an agency's decision to deny a petition to repeal or amend a rule. An appeal must be made to the Governor within 30 days of the petition denial.

If you require further assistance, please don't hesitate to contact Samantha Pskowski, Health Policy Advisor in our office, at (360) 789-2358, or at <u>Samantha.Pskowski@sboh.wa.gov</u>.

Sincerely,

Keith Grellner, Chair



PO Box 47990 • Olympia, Washington 98504-7990

April 25, 2022

Jennifer Slater 11103 31<sup>st</sup> Street Lake Stevens, WA 98258

Sent Via Email

Dear Jennifer Slater:

Thank you for the rulemaking petition you submitted to the State Board of Health (Board) on March 31, 2022 requesting amendment to chapter 246-105 WAC. Specifically, you requested the Board adopt new rules to prohibit the inclusion of any product in the school immunization rules that has an emergency use authorization or has not completed Phase 3 clinical trials unless pediatric hospital capacity is below 50% and the pediatric death rate from the condition is greater than 1%. The Board has authority under RCW 28A.210.140 to adopt the substantive and procedural requirements for full immunization of child care and school aged children. These rules are established in chapter 246-105 WAC.

The Board met on April 13, 2022 and after reviewing and discussing your petition, voted to deny your request. The Board denied the petition for the following reasons. The Board concluded that there exists a rigorous process for reviewing candidate antigens for inclusion in chapter 246-105 WAC. The Board referred to the need to allow the technical advisory group and subject matter experts to review all the information and not rely on a small number of surveillance indicators. For these reasons, the Board denied your petition.

As you may be aware, under RCW 34.05.330, a petitioner may appeal an agency's decision to deny a petition to repeal or amend a rule. An appeal must be made to the Governor within 30 days of the petition denial.

If you require further assistance, please don't hesitate to contact Samantha Pskowski, Health Policy Advisor in our office, at (360) 789-2358, or at <u>Samantha.Pskowski@sboh.wa.gov</u>.

Sincerely,

Keith Grellner, Chair



PO Box 47990 • Olympia, Washington 98504-7990

April 20, 2022

Emily Ling Ling.emilyhull@gmail.com

Sent Via Email

Dear Emily Ling:

Thank you for the rulemaking petition you submitted to the State Board of Health (Board) on March 21, 2022 requesting amendment to chapter 246-105 WAC. Specifically, you requested the Board adopt new rules to prohibit the inclusion of any product in the school immunization rules that does not meet the criteria in chapter 246-105 WAC. The Board has authority under RCW 28A.210.140 to adopt the substantive and procedural requirements for full immunization of child care and school aged children. These rules are established in chapter 246-105 WAC.

The Board met on April 13, 2022 and after reviewing and discussing your petition, voted to deny your request. The Board denied the petition for the following reasons. The Board concluded that there exists a rigorous process for reviewing candidate antigens for inclusion in chapter 246-105 WAC. The Board referred to the need to allow the technical advisory group and subject matter experts to review all the information and not restrain future decision making. The Board also recognized that it recently reviewed and denied several similar petitions for rulemaking. For these reasons, the Board denied your petition.

As you may be aware, under RCW 34.05.330, a petitioner may appeal an agency's decision to deny a petition to repeal or amend a rule. An appeal must be made to the Governor within 30 days of the petition denial.

If you require further assistance, please don't hesitate to contact Samantha Pskowski, Health Policy Advisor in our office, at (360) 789-2358, or at <u>Samantha.Pskowski@sboh.wa.gov</u>.

Sincerely,

Keith Grellner, Chair



PO Box 47990 • Olympia, Washington 98504-7990

April 25, 2022

Dr. AnneRené Joseph moreartsannrene@gmail.com

Sent Via Email

Dear Dr. AnneRené Joseph:

Thank you for the rulemaking petition you submitted to the State Board of Health (Board) on April 1, 2022 requesting amendment to chapter 246-105 WAC. Specifically, you requested the Board adopt new rules to prohibit the inclusion of any product in the school immunization rules that has an emergency use authorization or has not completed Phase 3 clinical trials unless pediatric hospital capacity is below 50% and the pediatric death rate from the condition is greater than 1%. The Board has authority under RCW 28A.210.140 to adopt the substantive and procedural requirements for full immunization of child care and school aged children. These rules are established in chapter 246-105 WAC.

The Board met on April 13, 2022 and after reviewing and discussing your petition, voted to deny your request. The Board denied the petition for the following reasons. The Board concluded that there exists a rigorous process for reviewing candidate antigens for inclusion in chapter 246-105 WAC. The Board referred to the need to allow the technical advisory group and subject matter experts to review all the information and not rely on a small number of surveillance indicators. For these reasons, the Board denied your petition.

As you may be aware, under RCW 34.05.330, a petitioner may appeal an agency's decision to deny a petition to repeal or amend a rule. An appeal must be made to the Governor within 30 days of the petition denial.

If you require further assistance, please don't hesitate to contact Samantha Pskowski, Health Policy Advisor in our office, at (360) 789-2358, or at <u>Samantha.Pskowski@sboh.wa.gov</u>.

Sincerely,

Keith Grellner, Chair

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER STATE OF WASHINGTON

FILED

DATE: April 20, 2022

WSR 22-09-082

TIME: 10:58 AM

### **RULE-MAKING ORDER EMERGENCY RULE ONLY**

### **CR-103E (December 2017)** (Implements RCW 34.05.350 and 34.05.360)

, –	
Agency: State Board of Health	
Effective date of rule: Emergency Rules Immediately upon filing. Later (specify) <u>04/20/2022</u>	
Any other findings required by other provisions of law as precondition to ad Yes No If Yes, explain:	doption or effectiveness of rule?
<b>Purpose:</b> WAC 246-101-017, Novel coronavirus (SARS-CoV-2), coronavirus of Washington State Board of Health has adopted a seventh emergency rule to conti condition and establishes reporting requirements for health care providers, health jurisdictions, and the Department of Agriculture to report certain data with COVID-demographic details (e.g., patient's age, race, ethnicity, sex), and testing informati local health officer. The rule establishes what testing and demographic data need mechanism of reporting in accordance with Public Law 116-136, § 18115(a), the Security (CARES) Act.	tinue to designate COVID-19 as a notifiable care facilities, laboratories, local health -19 test results, including relevant tion. The rule allows for certain waivers by a to be reported as well as the timing and
Citation of rules affected by this order:	
New: WAC 246-101-017 Repealed: None Amended: None Suspended: None	
Statutory authority for adoption: RCW 43.20.050(2)(f)	
Other authority: None	
<ul> <li>EMERGENCY RULE</li> <li>Under RCW 34.05.350 the agency for good cause finds:</li> <li>That immediate adoption, amendment, or repeal of a rule is necessary for safety, or general welfare, and that observing the time requirements of not adoption of a permanent rule would be contrary to the public interest.</li> <li>That state or federal law or federal rule or a federal deadline for state receased adoption of a rule.</li> </ul>	otice and opportunity to comment upon
<b>Reasons for this finding:</b> The immediate adoption of a rule to designate COV the reporting of demographic, testing, and other relevant data by health care provide local health jurisdictions, and the Department of Agriculture for each COVID-19 test and related guidance. Immediate adoption of this rule is necessary for the preservation general welfare of the State of Washington during the global COVID-19 pandemic.	iders, health care facilities, laboratories, est is necessary to comply with federal law vation of the public health, safety and
The CARES Act requires "every laboratory that performs or analyzes a test that is diagnose a possible case of COVID-19" to report the results from each such test to Health and Human Services (HHS). The Act authorizes the HHS Secretary to press frequency of such reporting. The HHS Secretary released laboratory data reporting and later updated the guidance on January 8, 2021, and March 8, 2022. The guida accompanying data be reported through existing state, territorial, local, and Tribal these requirements, any person or entity ordering a test, registering an individual t performing a test should make every reasonable effort to collect complete demograce, age, sex). Updated guidance specifies which test results must be reported by	to the Secretary of the U.S. Department of scribe the form, manner, timing, and ng guidance for COVID-19 on June 4, 2020, lance requires all COVID-19 test results and public health data reporting methods. Of to be tested, collecting a specimen, or raphic data of the patient (e.g., ethnicity,

refines the list of reportable data components that must accompany test results. In September 2020, the Centers for Medicare and Medicaid Services (CMS) published an interim final rule in Federal Register 54826, Volume 85, Number 171, to update requirements for reporting SARS-CoV-2 test results by laboratories. The

interim final rule states all laboratories conducting SARS-CoV-2 testing and reporting patient-specific results, including

hospital laboratories, nursing homes, and other facilities conducting testing for COVID-19, who fail to report information required under the CARES Act will be subject to monetary penalties. The interim final rules became effective September 2, 2020.

Adoption of a seventh emergency rule ensures continued compliance with the CARES Act, including updated HHS guidance, CMS requirements, and to improve the public health response to COVID-19. The Board intends to incorporate these provisions into permanent rule, and filed a CR-101 on July 20, 2021 as WSR 21-15-105.

Note: If any category is lo No descriptive text		nk, it	will be calc	ulate	d as zero.	
Count by whole WAC sections onl A section may be c					nistory note.	
The number of sections adopted in order to comply	y with:					
Federal statute:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
The number of sections adopted at the request of a	a nongo	vernmen	tal entity:			
	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>
The number of sections adopted on the agency's o	own initi	ative:				
	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>
The number of sections adopted in order to clarify	, stream	line, or r	eform agency p	procedu	ires:	
	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
The number of sections adopted using:						
Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>1</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Date Adopted: 04/18/2022		Signatu	re:			
Name: Michelle A. Davis		Michelle A Davis				
Title: Executive Director, Washington State Board of F	lealth		C MA	Secol.	contra-	

WAC 246-101-017 Novel coronavirus (SARS-CoV-2), coronavirus disease 2019 (COVID-19) reporting. (1) Designating coronavirus disease 2019 (COVID-19), and the novel coronavirus (SARS-CoV-2) that causes it, as a notifiable condition, and requiring the reporting of race and ethnicity and other essential data by health care providers, health care facilities, laboratories, and local health departments related to cases of COVID-19 are necessary to ensure that public health agencies receive complete notice of COVID-19 cases and to address racial and ethnic inequities in morbidity and mortality among individuals with the disease. This rule is also necessary to align with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and the U.S. Department of Health and Human Services laboratory data reporting requirements for COVID-19 testing, which require reporting of COVID-19 data to the appropriate state or local health department and the U.S. Department of Health and Human Services, and further, that any person or entity ordering a diagnostic or serologic test, collecting a specimen, or performing a test should make every reasonable effort to collect complete demographic information and include such data when ordering a laboratory test to enable the entities performing the test to report these data to state, territorial, local, and tribal public health departments. During this global pandemic, immediate adoption of a rule requiring notice of novel coronavirus (SARS-CoV-2) as a notifiable condition and reporting of race, ethnicity, and other essential data is necessary for the preservation of public health, safety, and general welfare.

(2) For the purpose of this section:

(a) "Animal case" means an animal, alive or dead, with a diagnosis of novel coronavirus (SARS-CoV-2) made by a veterinarian licensed under chapter 18.92 RCW, veterinary medical facility licensed under chapter 18.92 RCW, or veterinary laboratory as defined under chapter 16.70 RCW based on clinical criteria, or laboratory criteria, or both.

(b) "Antigen test" means an immunoassay test that detects the presence or absence of SARS-CoV-2 protein to indicate current SARS-CoV-2 infection.

(c) "Business day" means any day that the department is open for business.

(d) "Health care facility" means:(i) Any assisted living facility licensed under chapter 18.20 RCW; birthing center licensed under chapter 18.46 RCW; nursing home licensed under chapter 18.51 RCW; hospital licensed under chapter 70.41 RCW; adult family home licensed under chapter 70.128 RCW; ambulatory surgical facility licensed under chapter 70.230 RCW; private establishment licensed under chapter 71.12 RCW; or enhanced service facility licensed under chapter 70.97 RCW; and

(ii) Clinics or other settings where one or more health care providers practice.

(e) "Immediately" means without delay, twenty-four hours a day, seven days a week.

(f) "Nucleic acid amplification test" or "NAAT" means a viral diagnostic test including reverse transcription polymerase chain reaction (RT-PCR), transcription mediated amplification (TMA), loop-mediated isothermal amplification (LAMP), strand displacement amplifications (SDA), and other NAATs authorized for emergency use by the U.S. Food and Drug Administration for the detection for SARS-CoV-2.

(g) "Reference laboratory" means a laboratory licensed inside or outside of Washington state that receives a specimen from another licensed laboratory and performs one or more tests on that specimen.

(h) "Secure electronic data transmission" means electronic communication and accounts developed and maintained to prevent unauthorized access, loss, or compromise of sensitive information including, but not limited to, secure file transfer, secure facsimile, a health information exchange authorized under RCW 41.05.039, and the secure electronic disease surveillance system.

(i) "Secure electronic disease surveillance system" means the secure electronic data transmission system maintained by the department and used by local health departments to submit notifications, investigation reports, and outbreak reports under this chapter.

(j) "Waived test" has the same meaning as WAC 246-338-010 (45)(b).

(k) Patient's ethnicity shall be identified by the patient and reported using one of the following categories:

(i) Hispanic or Latino;

(ii) Non-Hispanic or Latino;

(iii) Unknown; or

(iv) Asked, but unknown.

(1) Patient's race shall be identified by the patient and reported using one or more of the following categories:

(i) American Indian or Alaska Native;

(ii) Asian;

(iii) Black or African American;

(iv) Native Hawaiian or Other Pacific Islander;

(v) White;

(vi) Unknown; or

(vii) Asked, but unknown.

(3) Unless a health care facility has assumed the notification duties of the principal health care provider under subsection (7) of this section, or a laboratory director in a health care facility where laboratory point-of-care testing occurs under a certificate of waiver as described in WAC 246-338-020 has fulfilled the laboratory notification requirements as described in subsection (9) of this section, the principal health care provider shall submit individual case reports of novel coronavirus (SARS-CoV-2) to the local health department via secure electronic data transmission using a file format or template specified by the department:

(a) Within 24 hours of receiving a laboratory confirmed positive test result; and

(b) Following the requirements of this section, WAC 246-101-105, and WAC 246-101-120; excluding the requirements in WAC 246-101-105(10).

(4) The local health officer may waive or partially waive subsection (3) or (5) of this section, or both if the local health officer determines individual case reports of novel coronavirus (SARS-CoV-2) submitted by health care providers or health care facilities are not needed and are not promoting public health for any reason including, but not limited to, the local health department being unable to process the volume of case reports. The local health officer shall notify health care providers and health care facilities upon their determination.

(5) A health care facility shall submit individual case reports of novel coronavirus (SARS-CoV-2) to the local health department via

secure electronic data transmission using a file format or template specified by the department:

(a) Within 24 hours of receiving a laboratory confirmed positive test result; and

(b) Following the requirements of this section, WAC 246-101-305, and WAC 246-101-320; excluding the requirement in WAC 246-101-305(4).

(6) Health care providers and health care facilities shall provide the local health department with the information identified in Column A of Table 1 in this section for individual case reports concerning novel coronavirus (SARS-CoV-2).

(7) A health care facility may assume the notification requirements established in this section for a health care provider practicing within the health care facility.

(8) A health care facility shall not assume the notification requirements established in this section for a laboratory that is a component of the health care facility.

(9) A principal health care provider is not required to submit individual case reports of novel coronavirus (SARS-CoV-2) to the local health department when the provider practices in a health care facility where laboratory point-of-care testing occurs under a certificate of waiver as described in WAC 246-338-020 and the laboratory director has fulfilled the laboratory notification requirements under subsections (12), (13), and (14) of this section.

(10) Health care providers and health care facilities shall provide the laboratory with the information identified in Column A of Table 1 in this section for each test ordered for novel coronavirus (SARS-CoV-2).

(11) For specimens associated with novel coronavirus (SARS-CoV-2) sent to a laboratory outside of Washington state, health care providers, health care facilities, and laboratories shall provide the out-of-state laboratory with a copy of chapter 246-101 WAC if they arrange for the out-of-state laboratory to report the test results consistent with WAC 246-101-105 (5)(a), 246-101-205 (1)(f)(i), or 246-101-305 (1)(e)(i) to the local health department as required under this subsection.

(12) For laboratories licensed to conduct moderate or high complexity testing, the laboratory director shall submit individual laboratory reports of positive, negative, and inconclusive test results from all NAAT and antigen tests performed for novel coronavirus (SARS-CoV-2) to the local health department:

(a) Via secure electronic data transmission using a file format or template specified by the department;

(b) Within 24 hours of results being known or determined; and

(c) Following the requirements of this section, WAC 246-101-205, and WAC 246-101-230; excluding the requirements in WAC 246-101-205(3).

(13) For laboratories licensed to conduct waived tests under a certificate of waiver, a laboratory director shall submit individual laboratory reports of positive test results from all waived tests, excluding antibody testing, for novel coronavirus (SARS-CoV-2) to the local health department:

(a) Via secure electronic data transmission using a file format or template specified by the department;

(b) Within 24 hours of results being known or determined; and

(c) Following the requirements of this section, WAC 246-101-205, and 246-101-230; excluding the requirements in WAC 246-101-205(3).

(14) A laboratory director shall provide the information identified in Column B of Table 1 in this section to the local health department with each novel coronavirus (SARS-CoV-2) laboratory report.

(15) A laboratory director, upon request by the local health department or the department, shall submit novel coronavirus (SARS-CoV-2) presumptive positive isolates or, if no isolate is available, the specimen associated with the presumptive positive result to the Washington state public health laboratories within two business days of request. Specimens shall be sent to:

Washington State Public Health Laboratories Washington State Department of Health 1610 N.E. 150th Street Shoreline, WA 98155

(16) If the local health department or the department requests a specimen under subsection (15) of this section, a laboratory director shall provide the Washington state public health laboratories with the information identified in Column C of Table 1 in this section with each specimen submitted.

(17) When referring a specimen to another laboratory for a test for novel coronavirus (SARS-CoV-2), a laboratory director shall provide the reference laboratory with the information identified in Column D of Table 1 in this section for each test referral.

(18) The department of agriculture shall submit individual case reports for each animal case of novel coronavirus (SARS-CoV-2) to the department via secure electronic data transmission using a file format or template specified by the department within twenty-four hours of being notified of the animal case.

(19) The department of agriculture shall call the department and confirm receipt immediately after submitting a case report for each animal case of novel coronavirus (SARS-CoV-2).

(20) When the department of agriculture submits information under subsection (18) of this section, the department shall:

(a) Consult with the department of agriculture on all animal cases; and

(b) Notify the local health department of animal cases submitted to the department.

(21) A local health department shall, using a secure electronic disease surveillance system:

(a) Notify the department within one business day upon receiving a case, laboratory, or animal case report of positive test results, excluding antibody testing, for novel coronavirus (SARS-CoV-2); and

(b) Notify the department within five business days upon receiving a laboratory report of negative or inconclusive test results for novel coronavirus (SARS-CoV-2); and

(c) Submit individual investigation reports of novel coronavirus (SARS-CoV-2) to the department within one business day upon completing the case investigation.

(22) Notifications required under subsection (21)(a) and (b) of this section must include the information identified in Column E of Table 1 in this section.

(23) Investigation reports required under subsection (21)(c) of this section must include the information identified in Column F of Table 1 in this section.

(24) A local health department shall, within one business day, reassign cases to the department upon determining the patient who is the subject of the case:

(a) Is a resident of another local health department; or

(b) Resides outside Washington state.

(25) A local health department, upon consultation with the department, may forward novel coronavirus (SARS-CoV-2) individual laboratory or case reports submitted by laboratories, health care providers, and health care facilities to the department for data entry and processing.

(26) The local health officer or the state health officer may request additional information of epidemiological or public health value when conducting a case investigation or otherwise for prevention and control of a specific notifiable condition.

(27) Health care providers, health care facilities, laboratories, and the department of agriculture may provide, via secure electronic data transmission using a file format or template specified by the department, additional health information, demographic information, or infectious or noninfectious condition information than is required under this section to the department, local health department, or both when it determines that the additional information will aid the public health authority in protecting the public's health and preventing the spread of novel coronavirus (SARS-CoV-2).

## Table 1Required Reporting for Health Care Providers, Health Care Facilities,<br/>Laboratories, and Local Health Departments

	Column A: Health care providers and health care facilities shall provide the following information to the local health department with each case report, and to the laboratory with each test ordered:	Column B: Laboratory directors shall provide the local health department with the following information with each laboratory report:	Column C: Laboratory directors shall provide the department with the following information with each specimen submitted:	Column D: Laboratory directors shall provide the following information when referring a specimen to another laboratory:	Column E: Local health department notifications to the department must include:	Column F: Local health department investigation reports to the department must include:
Patient's name (last name, first name, middle initial)	Х	Х	X	X	X	Х
Patient's street address, including residence zip code and county	X	Х	X	X	X	Х
Patient's telephone number with area code	Х	Х	X	X	X	Х
Patient's age and date of birth	X	Х	X	X	X	Х
Patient's ethnicity, using the categories described in subsection (2)(k) of this section	Х	Х	Х	Х	Х	Х

	Column A: Health care providers and health care facilities shall provide the following information to the local health department with each case report, and to the laboratory with each test ordered:	Column B: Laboratory directors shall provide the local health department with the following information with each laboratory report:	Column C: Laboratory directors shall provide the department with the following information with each specimen submitted:	Column D: Laboratory directors shall provide the following information when referring a specimen to another laboratory:	Column E: Local health department notifications to the department must include:	Column F: Local health department investigation reports to the department must include:
Patient's race, using the categories described in subsection (2)(1) of this section	Х	Х	Х	Х	Х	Х
Patient's sex	X	Х	X	X	X	Х
Test ordered, performed, and resulted, using appropriate LOINC codes as defined by the Laboratory in Vitro Diagnostics (LIVD) Test Code Mapping for SARS- CoV-2 tests provided by the CDC		Х	Х	Х	X*	X*
Test result (values) using appropriate SNOMED-CT codes as defined by the LIVD Test Code Mapping for SARS- CoV-2 tests provided by the CDC		Х	X	X	X*	X*
Test result date (date format)		Х	Х		X*	X*
Device identifier		Х	X		X*	X*
Accession number or specimen ID		Х	X		X*	X*
Date of specimen collection (date format)	X	Х	Х	Х	Х	Х
Specimen source, using appropriate SNOMED-CT, SPM4 codes, or equivalently detailed alternative codes		Х	X	X	X*	X*
Ordering organization or health care provider's name	X	Х	Х	Х	Х	Х

	Column A: Health care providers and health care facilities shall provide the following information to the local health department with each case report, and to the laboratory with each test ordered:	Column B: Laboratory directors shall provide the local health department with the following information with each laboratory report:	Column C: Laboratory directors shall provide the department with the following information with each specimen submitted:	Column D: Laboratory directors shall provide the following information when referring a specimen to another laboratory:	Column E: Local health department notifications to the department must include:	Column F: Local health department investigation reports to the department must include:
Ordering organization or health care provider's National Provider Identifier (as applicable) and affiliated organization (specific facility)	Х	X	X	Х	Х	Х
Ordering organization or health care provider's telephone number	X	Х	X	Х	Х	Х
Ordering organization or health care provider's address including zip code	X	Х	X	Х	Х	Х
Performing laboratory or facility name and CLIA number		X	X		X*	X*
Performing laboratory or facility address including zip code		X	X		X*	X*
Performing laboratory or facility phone number		X	X		X*	X*
Reporting entity name and CLIA number (or appropriate ID)		Х	X	Х	X*	X*
Reporting entity address including zip code		Х	X	Х	X*	X*
Reporting entity phone number		Х	Х	Х	X*	X*
Name and telephone number of the person providing the report	X					
Patient's notifiable condition	X				Х	Х
Patient's diagnosis of disease or condition	X					
Date specimen received by reporting laboratory		Х	X		X*	X*

	Column A: Health care providers and health care facilities shall provide the following information to the local health department with each case report, and to the laboratory with each test ordered:	Column B: Laboratory directors shall provide the local health department with the following information with each laboratory report:	Column C: Laboratory directors shall provide the department with the following information with each specimen submitted:	Column D: Laboratory directors shall provide the following information when referring a specimen to another laboratory:	Column E: Local health department notifications to the department must include:	Column F: Local health department investigation reports to the department must include:
Type of specimen tested	X	Х	X	X	X*	X*
Pertinent laboratory data	X					
Initial notification source					X	Х
Date local health department was notified						Х
Condition symptom onset date (preferred), or alternatively, diagnosis date						Х
Hospitalization status of the patient						X
Whether the patient died during this illness						Х
Source or suspected source						Х

\* Local health departments are not required to submit this information if the notification came from a health care provider or health care facility. All other information indicated in Columns E and F is still required in these instances.

CODE REVISER USE ONLY

## RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED

DATE: May 11, 2022 TIME: 9:46 PM

WSR 22-11-039

Agency: State Board of Health	
Effective date of rule:	
Permanent Rules	
31 days after filing.	
Other (specify) <u>07/01/2022</u> (If less than 31 days after filing, a specific	finding under RCW 34.05.380(3) is required and
should be stated below)	
Any other findings required by other provisions of law as precondition to Yes No If Yes, explain:	to adoption or effectiveness of rule?
<b>Purpose:</b> Chapter 246-90 WAC Local Board of Health Membership. The chapter of rule which outlines requirements for the selection and appointment	
boards of health. The purpose of the rule is to provide local governments with	
ultimate appointment of nonelected members of local boards of health. The rule	
of health need to conduct candidate recruitment and selection and provide th	
how they may apply for nonelected member positions.	
During the 2021 legislative session, the legislature passed E2SHB 1152. Am	
required composition of local boards of health by requiring an equal number of	
specifies groups of persons that must be represented on the local board of he	
establish rules for the selection and appointment of these nonelected member	
the extent possible, ensure a balanced representation of elected and nonelectived experience.	cted persons with a diversity of expertise and
lived experience. These rules establish this process.	
Citation of rules affected by this order:	
New: WAC 246-90-005, WAC 246-90-010, WAC 246-90-015, WAC	C 246-90-020, WAC 246-90-025, WAC 246-90-
030, WAC 246-90-035	
Repealed: none	
Amended: none	
Suspended: none	
Statutory authority for adoption: E2SHB 1152 (chapter 205, Laws of 2021)	) codified as RCW 43.20.300
Other authority:	
PERMANENT RULE (Including Expedited Rule Making)	
Adopted under notice filed as <u>WSR 22-06-063</u> on <u>02/25/2022</u> (date).	
Describe any changes other than editing from proposed to adopted version	
language in reference to tribal representation on local boards of health an	d replace with direct citation to applicable
provisions of law.	
If a preliminary cost-benefit analysis was prepared under RCW 34.05.328	, a final cost-benefit analysis is available by
contacting:	
Name:	
Address:	
Phone:	
Fax:	
TTY:	

Email:

Web site:

Other:

Note: If any category is lo No descriptive text		nk, it v	will be calc	ulate	d as zero.	
Count by whole WAC sections on A section may be c					nistory note.	
The number of sections adopted in order to comply	y with:					
Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>7</u>	Amended	<u>0</u>	Repealed	<u>0</u>
The number of sections adopted at the request of a	a nongo	vernmen	tal entity:			
	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
The number of sections adopted in the agency's ov	wn initia	tive:				
	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
The number of sections adopted in order to clarify	, stream	line, or r	eform agency <b>p</b>	orocedu	ires:	
	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
The number of sections adopted using:						
Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>7</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Date Adopted: 04/13/2022		Signatu	re:			
Name: Michelle A. Davis			Michelle A David			
Title: Executive Director			MIDA	uluA	LAND	

#### Chapter 246-90 WAC LOCAL BOARD OF HEALTH MEMBERSHIP

NEW SECTION

WAC 246-90-005 Purpose, scope, and applicability of chapter. (1) The purpose of this chapter is to establish requirements for the recruitment, selection, and appointment process of nonelected members of local boards of health. The processes established in this chapter are intended to be fair, unbiased, and ensure to the extent practicable that the membership of local boards of health include a balanced representation of elected officials and nonelected people with a diversity of expertise and lived experience.

(2) The provisions of this chapter apply to the following:

(a) A county without a home rule charter in which the jurisdiction of the local board of health is coextensive with the boundaries of the county as established in RCW 70.05.030;

(b) A county with a home rule charter in which the jurisdiction of the local board of health is coextensive with the boundaries of the county as established in RCW 70.05.035;

(c) A health district consisting of two or more counties in which the jurisdiction of the district board of health is coextensive with the combined boundaries of the counties as established in RCW 70.46.020; and

(d) A health district consisting of one county in which the jurisdiction of the district board of health is coextensive with the boundary of the county as established in RCW 70.46.031.

(3) The provisions of this chapter apply only to the recruitment, selection and appointment of persons who are not elected officials who are identified in RCW 70.05.030 (1)(a), 70.05.035 (1)(a), 70.46.020 (1)(a), and 70.46.031 (1)(a).

#### NEW SECTION

WAC 246-90-010 Definitions. The following definitions apply throughout this chapter unless the context clearly requires otherwise:

(1) "Board" means the Washington state board of health.

(2) "Consumers of public health" means the category of persons consisting of county or health district residents who have self-identified as having faced significant health inequities or as having lived experiences with public health-related programs.

(3) "Elected official" means any person elected at a general or special election to public office representing a city or county, and any person appointed to fill a vacancy in any such office.

(4) "Health agency" means a private or public business or organization that renders or connects persons to health services, insurance, or other benefits.

(5) "Health facility" means a facility, clinic, or other setting licensed under Title 18, 70, or 71 RCW in which behavioral or medical diagnosis, care, treatment, or services are provided.

(6) "Local board of health" means the county or district board of health as established under chapter 70.05 RCW.

(7) "Local health jurisdiction" or "LHJ" means a county health department under chapter 70.05 RCW or health district under chapter 70.46 RCW.

(8) "Nonelected member" or "nonelected position" means a person appointed to a local board of health who is not an elected official, and represents:

(a) Public health, health care facilities, and providers;

(b) Consumers of public health; or

(c) Other community stakeholders.

(9) "Other community stakeholders" means the category of persons representing the following types of organizations located in the county or health district:

(a) Community-based organizations or nonprofits that work with populations experiencing health inequities in the county;

(b) Active, reserve, or retired armed services members;

(c) The business community; or

(d) The environmental public health regulated community.

(10) "Public health, health care facilities, and providers" means the category of persons practicing or employed in the county or health district who are:

(a) Medical ethicists;

(b) Epidemiologists;

(c) Experienced in environmental public health;

(d) Community health workers;

(e) Holders of master's degrees or higher in public health or another field with an emphasis or concentration in health care, public health, or health policy;

(f) Employees of a hospital located in the county; or

(g) Any of the following providers holding an active or retired license in good standing under Title 18 RCW:

(i) Physicians or osteopathic physicians;

(ii) Advanced registered nurse practitioners;

(iii) Physician assistants;

(iv) Registered nurses;

(v) Dentists;

(vi) Naturopaths; or

(vii) Pharmacists.

NEW SECTION

WAC 246-90-015 Local boards of health—Nonelected members. (1) The number of nonelected members, as defined in WAC 246-90-010, on a local board of health, including any tribal representative as described in subsection (2) of this section, must equal the number of elected officials on a local board of health. Elected members of the local board of health may not constitute a majority.

(2) Tribal representatives on local boards of health are selected and appointed following the applicable provisions of RCW 70.05.030, 70.05.035, 70.46.020, and 70.46.031. A tribal representative may serve in any of the three nonelected member categories as defined in this chapter if the representative meets the requirements of the category. (3) Any changes to local board of health composition must meet the requirements of this chapter.

(4) If a board of county commissioners or a county legislative authority chooses to adopt a resolution or ordinance or otherwise act to change the size or composition of the local board of health, the resolution, ordinance, or other document used must:

(a) Include provisions, which are comparable to those of elected members, for the appointment, term, including initial term, and, if applicable, compensation or reimbursement of expenses for nonelected members as defined in this chapter;

(b) Ensure elected officials do not constitute a majority of the total membership of the local board of health;

(c) Ensure recruitment, selection, and appointment of nonelected members of the local board of health conform with the requirements of this chapter;

(d) Identify nonelected members as voting members of the local board of health except as it pertains to any decision related to the setting or modification of permit, licensing, and application fees; and

(e) Identify the process for how a local board of health will refer successful applicants to the board of county commissioners for approval and appointment. If a county does not have a board of county commissioners, the local board of health will refer successful applicants to the county legislative authority for consideration for approval and appointment.

NEW SECTION

WAC 246-90-020 Local boards of health—Nonelected members—Recruitment. (1) A local board of health must actively recruit applicants for nonelected member positions of the local board of health in a manner that solicits a broad pool of applicants that represent a diversity of expertise and lived experience.

(2) A local board of health must:

(a) Provide reasonable advance notice for applicants to apply for vacancies for positions representing nonelected members on a local board of health;

(b) Post vacancy announcements in public places, including the newspaper of record, in the county or district;

(c) Make available vacancy announcements in any language upon request;

(d) Post vacancy announcements in all geographic regions represented by the local board of health;

(e) Work with local community organizations to distribute vacancy notices; and

(f) Comply with applicable provisions of the Americans with Disabilities Act, Public Law Number 101-336 and chapter 49.60 RCW.

(3) A local board of health may:

(a) Require nonelected members serving in the other community stakeholder or public health, health care facilities, and providers positions on the local board of health to reside within the county or local board of health's jurisdictional boundaries; and

(b) Work with local community organizations to identify potential applicants for nonelected positions.

(4) A local board of health may not require an applicant to provide their political affiliation or voting history.

(5) A local board of health may require an applicant to designate the specific category or categories they are applying for as identified in WAC 246-90-025(1) in their application materials. A local board of health may consider applicants for any position for which they are qualified.

(6) All applicants for nonelected positions shall be interviewed in a panel format by the local board of health subject to the following:

(a) All applicants shall be asked a standard set of questions;

(b) Follow up questions may be asked if necessary to understand the applicant's response to a standard question; and

(c) In the event of a substantial number of applicants, the local board of health may elect to interview a smaller number of applicants as long as the applicants interviewed include a diversity of expertise and lived experience.

(7) The recruitment process must be consistent with applicable provisions of chapter 42.30 RCW.

#### NEW SECTION

WAC 246-90-025 Local boards of health—Nonelected members—Selection. (1) Nonelected members of a local board of health must be selected from the following categories:

(a) Public health, health care facilities, and providers;

(b) Consumers of public health; and

(c) Other community stakeholders.

(2) If the total number of nonelected members of a local board of health is evenly divisible by three, there must be an equal number of members selected from each of the three categories.

(3) There may be no more than one member selected from each category with the same background or position except under the following circumstances:

(a) If there are one or two nonelected members over the nearest multiple of three, those nonelected members may be selected from any of the three categories; and

(b) If, in a health district consisting of one county, there are two nonelected members over the nearest multiple of three, each member over the nearest multiple of three must be selected from a different category.

(4) A local board of health shall assess the following when considering applicants for selection to a local board of health:

(a) Service, current or past, on other local boards or commissions;

(b) Whether the applicant's background meets the qualifications of the applicant's selected category or categories as defined in WAC 246-095-010;

(c) Potential conflict of interest;

(d) The applicant's demonstrated commitment to public health;

(e) Whether the applicant represents a diversity of expertise and lived experience; and

(f) Whether the applicant represents the geographic diversity of the community.

(5) A local board of health shall also assess whether the applicant identifies with a historically underrepresented community when being considered as a nonelected member representing consumers of public health.

(6) Local board of health membership must include a balanced representation of elected officials and nonelected people with a diversity of expertise and lived experience.

(7) Persons with a fiduciary obligation to a health facility or other health agency, or a material financial interest in the rendering of health services, may not be selected as a nonelected member of a local board of health representing consumers of public health.

(8) Applicants must disclose any potential conflict of interest.

(9) If a local board of health demonstrates that it attempted to recruit members from all three categories under subsection (1) of this section and was unable to do so, the local board of health may select members only from the other two categories.

(10) The selection process must be consistent with applicable provisions of chapter 42.30 RCW.

#### NEW SECTION

WAC 246-90-030 Local boards of health—Nonelected members—Appointment. (1) Nonelected members of a local board of health shall be approved and appointed by a majority vote of the board of county commissioners. If a county does not have a board of county commissioners, then the nonelected members of a local board of health shall be approved and appointed by a majority vote of the county legislative authority.

(2) The appointment process must be consistent with applicable provisions of chapter 42.30 RCW.

#### NEW SECTION

WAC 246-90-035 Local boards of health—Nonelected members—Exceptions. In accordance with RCW 70.05.030, 70.05.035, 70.46.020, and 70.46.031, the following exceptions apply to this chapter:

(1) For counties with a home rule charter, counties without a home rule charter, health districts consisting of two or more counties, and health districts consisting of one county, a local board of health comprised solely of elected officials may retain its composition if the local health jurisdiction had a public health advisory committee or board with its own bylaws established on January 1, 2021. By January 1, 2022, the public health advisory committee or board must have met the requirements established in RCW 70.46.140 for community health advisory boards. (2) For local boards of health made up of three counties east of the Cascade mountains:

(a) If a local board of health is comprised solely of elected officials, it may retain its current composition if the local health jurisdiction has a public health advisory committee or board that meets the requirements established in RCW 70.46.140 for community health advisory boards by July 1, 2022.
(b) If the local board of health does not establish the required

(b) If the local board of health does not establish the required community health advisory board by July 1, 2022, it must comply with the requirements of this chapter.

(3) For local boards of health established under RCW 70.46.031, "other community stakeholders" as defined in this chapter does not include active, reserve, or retired armed services members. Active, reserve, or retired armed services members are not precluded from representing other categories of nonelected members as defined in WAC 246-90-010.



#### STATE OF WASHINGTON

## DEPARTMENT OF HEALTH

*PO Box* 47890 • *Olympia, Washington* 98504-7890 *Tel:* 360-236-4030 • 711 *Washington State Relay* 

May 11, 2022

David Schumacher, Director Office of Financial Management Post Office Box 43113 Olympia, Washington 98504-3113

RE: Governmental Public Health System Concurrence on FPHS Investments of \$45,985,000 – Transfer Request to Department of Health (DOH) for Foundational Public Health Services (FPHS)

Dear David:

The Washington State Department of Health (DOH), in concurrence with the partners of our state's governmental public health services system, requests a transfer of an additional \$45,985,000 in general fund-state spending authority in state fiscal year 2023 from the Office of Financial Management to DOH for the 2021-2023 biennium. This amount shall be used to fund new foundational public health service (FPHS) activities that support the governmental public health system.

The attachment displays how the funds will be allocated. DOH will contract out these funds using our normal contracting process.

The requirements allowing this transfer as set forth in  $\underline{RCW \ 43.70.515}$  have been met.

#### **Certified Agreement**

As required DOH completed a formal consultation with federally recognized sovereign tribal nations regarding a proposed distribution of 2021-2023 funds for foundational public health services in accordance with the department's consultation procedures.

The three entities required for certification—DOH, State Board of Health, and Washington State Association of Local Public Health Officials—are jointly certifying this agreement by the signatures to this letter.

Additional transfers shall be requested as the partners finalize agreements on the use and distribution of the remainder of the \$174.8 million appropriated in Engrossed Second Substitute Senate Bill 5092, Section 721.

Thank you for your continued partnership to strengthen our state's foundational public health

system. Please let Kristin Peterson at <u>Kristin.perterson@doh.wa.gov</u> if you have any questions regarding this request.

Respectfully,

**Concurrence Signatures** 

Umair A. Shah, MD, MPH Secretary of Health Department of Health

Michelle A David

Michelle Davis Executive Director State Board of Health

Keith Grellner President Washington State Association of Local Public Health Officials

cc:

Amy Ferris, Chief Financial Officer, Department of Health Breann Boggs, Office of Financial Management David Bayne, Director, Strategic Partnerships, Department of Health Elizabeth Perez, Director, Center for Public Affairs, Department of Health Eric Johnson, Washington State Association of Counties Jaime Bodden, Managing Director, Washington State Association of Local Public Health Officials Jessica Todorovich, Chief of Staff, Washington State Department of Health Kelly Cooper, Director, Policy and Legislative Relations, Department of Health Maria Courogen, Director, Systems Transformation, Department of Health Marie Flake, Special Projects, FPHS, Department of Health Molly Voris, Governor's Office Tamara Fife, Tribal Relations Manager, Department of Health The Honorable Steve Kutz, Chair, American Indian Health Commission Vicki Lowe, Executive Director, American Indian Health commission

## Governmental Public Health System Concurrence on FPHS Investments 5/5/22

FPHS	Short Description	Total			
	Add 3 regional/shared epidemiologists in LHJs.	450,000			
	Support LHJ assessment capacity with flexible funds to meet local needs (e.g. continue to fund staff hired	2,100,000			
•	for COVID response)				
Assessment	Behavioral Risk Factor Surveillance System (BRFSS) - Increase Sample Size for each LHJ.	1,790,000			
(Surveillance & Epidemiology)	Behavioral Risk Factor Surveillance System (BRFSS) - Add questions to the survey tool provided by CDC.	300,00			
	Workforce development system for assessment/epi staff – meetings, mentorship program, licenses for	400,00			
	online learning system (eg. Data Camp).				
	Assessment Total	5,040,000			
	Assess need and generate content for workforce training.	300,00			
	Expands TB services statewide by expanding capacity in LHJs with high TB burden, adding a service hub in	1,700,00			
	Clark County and increasing statewide resources for TB testing, treatment, provider education and				
	coordination.				
	Fill gaps at state and local level for uninvestigated disease and follow-up.	10,000,00			
Communicable Disease	Monitor/investigate/respond to zoonotic/emerging disease, including veterinary capacity, training,	415,00			
	assessment, planning.				
	Regional hubs (2 LHJs) for Healthcare Acquired Infections (HAI). Training, consultation support,	1,500,00			
	engagement.				
	Healthcare Provider Resource Web Pages - phased expansion to more agencies.	145,00			
	After hours phone answering service (DOH + 10 LHJs). Using a common script and contractor.	250,00			
	Communicable Disease Total	14,310,00			
	Develop model program for chief health strategist of homelessness and community engagement strategies.	805,00			
	DOH and LHJ staffing.				
	Education, communications, response for wildfire smoke and harmful algal blooms. DOH and LHJ (regional)	1,815,00			
	staff.				
	Establish model program for State Environmental Policy Act (SEPA) reviews – policy work related to	1,690,00			
	environmental and health impacts. DOH and LHJ staffing.				
<b>Environmental Public Health</b>	Investigations/research/communications/data related to toxic exposures. DOH staffing.				
	IT hardware to support data access, sharing, storing capacity. Data management teams to assess gaps,				
	identify needs. DOH and LHJ staffing.				
	LHJ capacity for water resource management and planning.				
	Model program development for childhood lead program – case management, testing, prevention, policy.				
	DOH and LHJ staffing.				
	Planning, training, response for radiological emergencies. DOH staffing.	225,00			
	Environmental Public Health Total	7,885,00			
Foundational Capabilities	Contractor to create training materials and maintain platform for training on Washington's governmental	100,00			
(Communication, Policy,	public health system.				
Partnership, & Business	Training for state and local Board of Health members – annual in-person training, platform for online	200,00			
Competencies)	training and resources.				
competencies	2.0 FTE for DOH. 1.0 FTE for Tribal Policy position & 1.0 FTE Tribal/LHJ Admin Support	300,00			
	Foundational Capabilities Total	600,00			
Lifecourse	Infrastructure and workforce investments to LHJs and DOH to meet fundamental needs in three areas:	15,300,00			
Maternal Child Health, Chronic	Maternal and Child Health, Chronic Disease, and Access to Care.				
Disease & Injury/Violence	Workforce training for lifecourse approach (consultant, training, travel).	425,00			
	Lifecourse Total	15,725,00			
	Adapt Best Starts for Kids data collection from King County to statewide survey. Survey planning and	450,00			
	implementation.				
	SMILES Survey - Conduct statewide assessment of children's oral health.	50,00			
Maternal Child Health	Child Death Review - Funds so LHJs and DOH staff can conduct regular Child Death Reviews and use findings	1,250,00			
	to track fatality data and inform policy recommendations.				
	Pregnancy Risk Assessment and Monitoring System (PRAMS) - Site-specific, population-based data				
	collection, including inverviews, oversampling, and local data. These data are critical to improve health of				
	mothers and infants by reducing adverse outcomes.				
	Maternal Child Health Total	2,425,00			
	Grand Total	45,985,00			

# WASHINGTON STATE

## ENVIRONMENTAL HEALTH COMMITTEE SPECIAL MEETING SUMMARY NOTES

What: Environmental Health Committee

When: May 16, 2022

**Participating via Zoom:** Board of Health (Board) members Keith Grellner, Chair, Patty Hayes, Melinda Flores; Board staff Kaitlyn Donahoe, Stuart Glasoe, Michelle Davis, and Melanie Hisaw; Department of Health (Department) staff Theresa Phillips, Jocelyn Jones, Joe Graham, Joe Laxson, Kim Sanchez, Lauren Jenks, Laura Johnson, Nancy Bernard, Nina Helpling, Peter Beaton, Todd Phillips; and six members of the public.

## Summary Notes:

## **General Environmental Health Rulemaking Project Updates**

- Stuart Glasoe provided high-level updates to the Keeping of Animals (WAC 246-203-130) rulemaking work.
- Theresa Phillips and Peter Beaton summarized the status of On-Site Sewage System (chapter 246-272A WAC) rulemaking. They noted that progress is being made and the team is wrapping up analysis in preparation for a future Board briefing.
- Jocelyn Jones shared Sanitary Control of Shellfish (chapter 246-282 WAC) rulemaking. She noted that the work is in the initial phases and the team surveyed interested parties to identify key issues and to determine a timeline for engagement.

## June Board Meeting Preparation – Petition for Rulemaking, Food Service, Chapter 246-215 WAC

Kaitlyn Donahoe discussed a petition recently received by the Board related to the Board's Food Service rules. She said the petitioner requested the Board to adopt a rule to require food handlers to always wear masks. The petitioner cited the rise of assembly-line style food preparation results in the spread of food handlers' bodily fluids on food. Ms. Donahoe described the Board's statutory authority and purpose of rulemaking related to food safety and preventing food- and vector-borne illnesses. Ms. Donahoe, Chair Grellner, Member Hayes, and Joe Graham discussed the petitioner's request and whether there is current evidence for communicable diseases spread via air droplets onto food in which masks or face coverings would prevent. Lauren Jenks provided further discussion of interventions for preventing spread of communicable disease person to person, including improved air ventilation and masking. Committee members provided guidance to staff regarding information that would be important for the Board's discussion of this topic at its June meeting. Michelle Davis shared additional background regarding potential action the Board could take regarding the petition.

(Continued on the next page)

Page 2 Environmental Health Committee Special Meeting Summary Notes

### June Board Meeting Preparation – Effective Date Extension, Environmental Health and Safety Standards for Primary and Secondary Schools, Chapter 246-366 and 246-366A WAC

Ms. Donahoe discussed the history of the school environmental health and safety rules and the budget proviso that currently restricts implementation of the rules. She said that while the House's budget revised the budget proviso language during the 2022 legislative session, the supplemental 2021-2023 state operating budget passed by the legislature includes the original budget proviso. Ms. Donahoe said that the Board must extend the effective date of the rules at its June meeting. She noted that the legislature did allocate funds to the Department to contract with the University of Washington (UW) to develop a report that outlines current school environmental health and safety policies, recommendations, and standards. Member Hayes said she was eager to see the results of the UW's findings.

## June Board Meeting Preparation – Rules Hearing, Keeping of Animals, WAC 246-203-130

Mr. Glasoe first discussed the status of the rulemaking process. He then briefly characterized the work cataloging and responding to comments received to date on the proposed rule during the public comment period. He said the Board received many comments and may receive more. He identified a couple issues that may need attention, including a reference in the rule analyses to a requirement in the state solid waste rules and related legal issues raised in public comment regarding Right to Farm laws. Here said he is working with the Board's legal counsel on this topic. Mr. Glasoe said there is a fair amount of pushback on the proposed rule and expects to hear similar testimony at the hearing. He said he is continuing to work on addressing public comments and preparing materials for the rules hearing. He closed with a brief overview of possible scenarios for Board action at the hearing.

### **Next Steps:**

Ms. Donahoe said staff are currently discussing the future of Environmental Health Committee meeting structure and reminded attendees that the subcommittee is not a decision-making body. She said future Environmental Health Committee meetings are currently scheduled for the year, and that staff will adjust as needed.

To request this document in an alternate format or a different language, please contact Kelie Kahler, State Board of Health Communication Manager, at 360-236-4102 or by email <u>kelie.kahler@sboh.wa.gov.</u> TTY users can dial 711

PO Box 47990, Olympia, WA 98504-7990 (360) 236-4110 • <u>wsboh@sboh.wa.gov</u> • <u>sboh.wa.gov</u>

# Department of Health Updates



**State Board of Health Meeting** June 8, 2022



@WaDeptHealth @WaHealthSec





## **COVID-19 Response Current and Future State**

Umair A. Shah, MD, MPH Secretary of Health



## **COVID-19 Epidemiology** and Omicron Variant

Tao Sheng Kwan-Gett, MD, MPH Chief Science Officer

# Health

Where Equity, Innovation, & Engagement meet.

# COVID-19 Current State



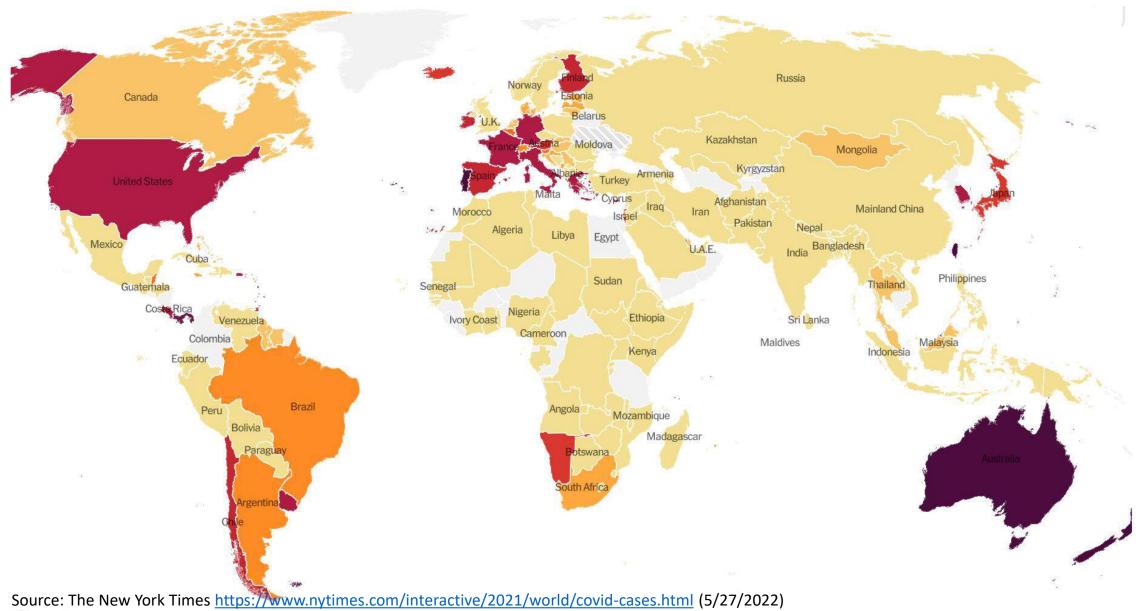


Visit www.doh.wa.gov



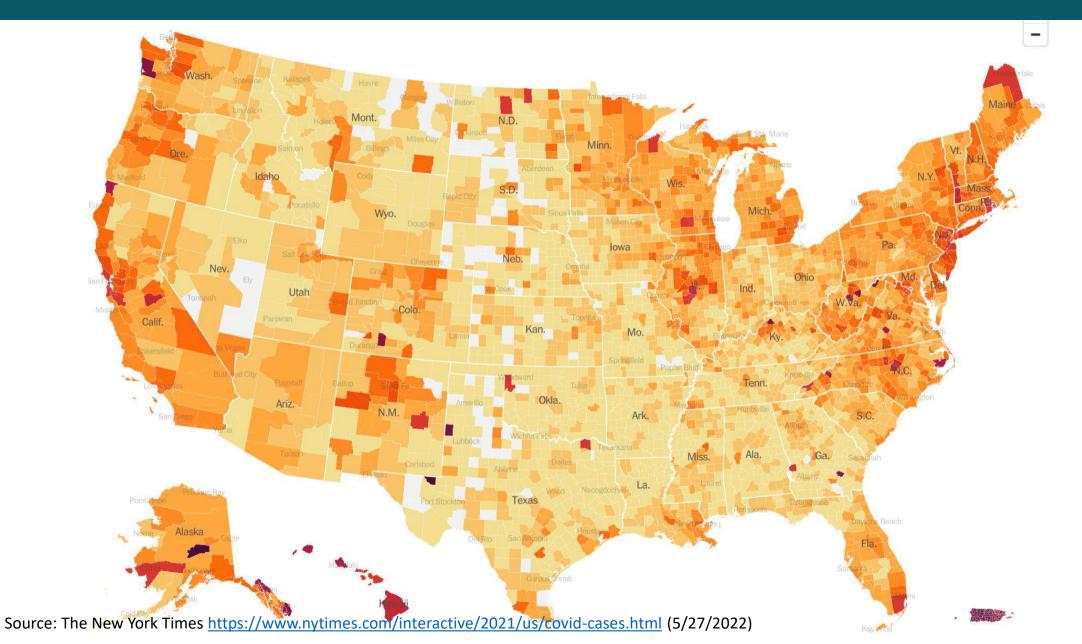
@WaDeptHealth @WaHealthSec

# **Coronavirus World Map**

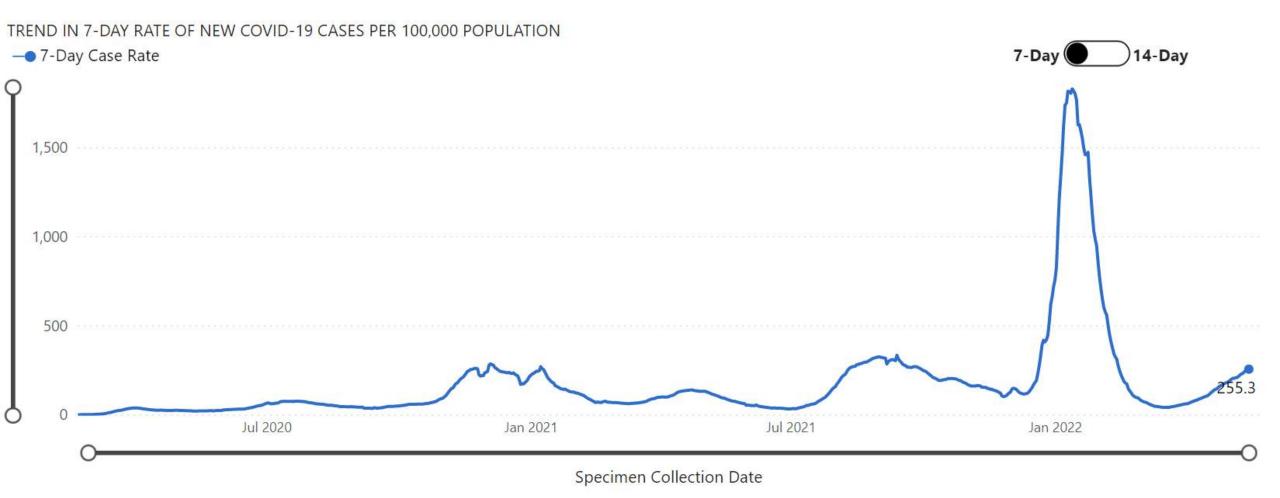


a

# June 2022 – U.S. COVID-19 hot spots

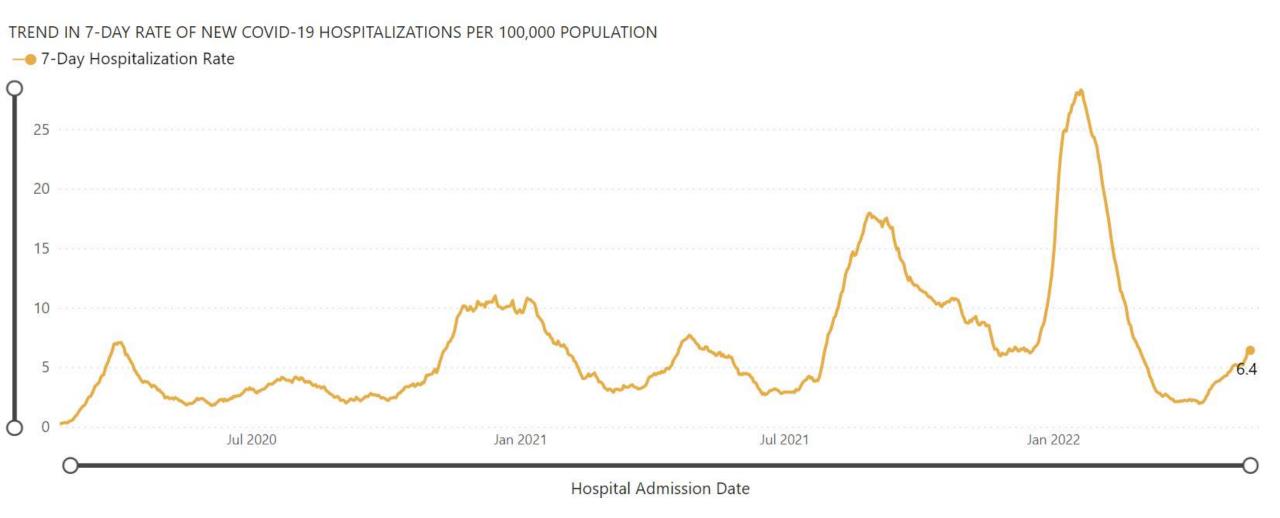


# **Cases in Washington**

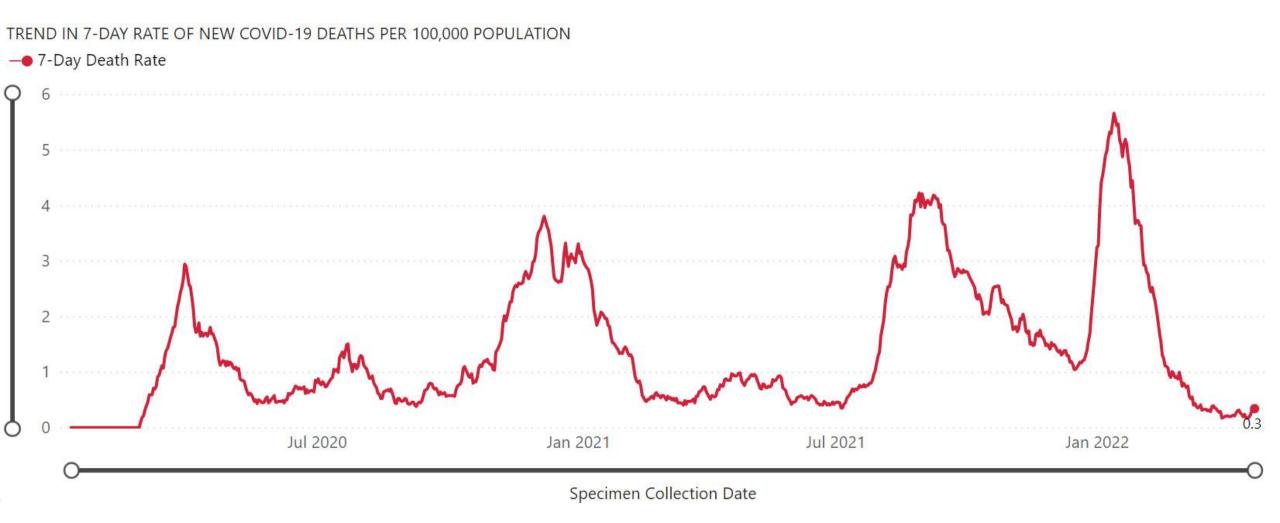


Source: DOH COVID-19 data dashboard https://www.doh.wa.gov/Emergencies/COVID19/DataDashboard (5/27/2022)

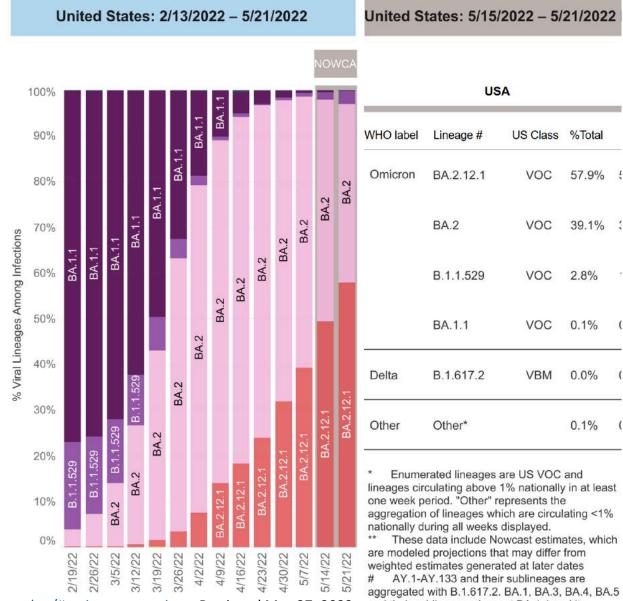
# **Hospitalizations in Washington**



# **Deaths in Washington**



# **COVID-19 Variants Region 10**



Source: CDC: https://covid.cdc.gov/covid-data-tracker/#variant-proportions, Retrieved May 27, 2022

and their sublineages (except BA.1.1 and its sublingance) are accreated with D.1.1.500. Ear

# **Covid-19 Vaccines**



# **Childhood Immunization Rates**



# **COVID-19** Strategic Priorities & Looking Ahead





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# **Key Public Health Challenges**

### In the time of COVID-19



- 1. Fighting COVID-19
- 2. Investing in True "Health" Long-Term
- 3. Addressing Everything Else

### **COVID-19 & Beyond: Transformational Health**

## washington state department of health COVID-19 AND BEYOND



#### HEALING, HOPE AND HEALTH FOR ALL

#### LISTENING & CONVERSATION: PRIORITIES AND OPPORTUNITIES

While our public health work will continue to be broadly focused and diverse, from a DOH perspective, we believe the following topics will be key areas of focus as we regain our capacity to look beyond the COVID-19 pandemic. While this is our agency's starting point and will likely change over time, we recognize the importance of getting feedback and input from partners and stakeholders alike.

- Health and Wellness: A continued and renewed focus on health from chronic disease prevention, physical health and along the spectrum to behavioral health. Amidist the COVID-19 pandemic, now more than ever, we plan to focus on initiatives that support and promote optimal mental health, resiliency, and overall well-being of all of our community members.
- 2. Environmental Health: Use health, social, and other data to assess the health impacts of the environment both natural and built as well as the changing climate on communities across Washington. Assist communities in preparing to acapt to the projected impacts of climate change especially related to extreme weather events whether flooding, wild fires, extreme heat, or winter storms.
- 3. Emergency Response and Resiliency: Investing in, leading, and supporting our state's response to broad public health emergencies in a proactive and equitable way that builds and supports resiliency amongst community members, the healthcare system, and across the public health system before, during, and well after the response.
- 4. Global & Domestic Health: Health transcends borders. We know that disease and other factors impacting health cross borders, from immigrant and refugee health to disease outbreaks. We can learn new models of care and disease interventions from innovations happening worldwide. We have an opportunity to influence domestic health through population health initiatives applied elsewhere while forming strategic partnerships for collective impact.
- 5. Investment in Health Systems and Infrastructure: Recognizing the importance of investment in the broad notion of prevention and health, we must ensure the resources are available to connect systems, modernize technologies, "Innovate", and assure a supported and well-trained workforce. This includes ensuring we have the systems in place to advance our ability to disaggregate, collect, visualize and use data to better understand health disparities, focus interventions, prioritize investments, provide linkages, and transform the practice of health and health care alike.

#### Questions to consider when we meet with you:

- What are we missing in how DOH can better support health across Washington?
- What priorities are your organizations and communities focused on?
- What are you looking at for the future to assure health systems are strong, capable and resilient?
- How can we best partner together to improve health for all?
- What does meaningful engagement look like to you?



### **Transactional Health**





### **Transformational** Health

## Future State: Looking Ahead

A well-recognized and well-resourced public health system that is strong, adaptable and responsive to community needs.

### **Acute Hepatitis In Children**



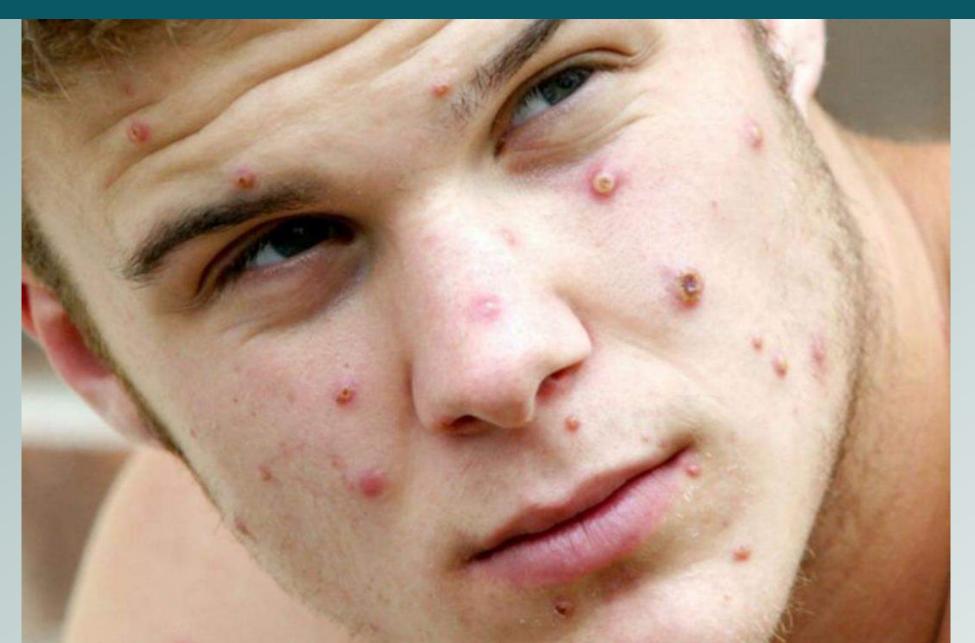
### **Bird Flu**



### **Infant Formula**



### Monkeypox



### **2022 – Working together for brighter tomorrow**



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From: Jean Mendoza Sent: 5/2/2022 3:05:27 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Public Comments

*attachments\870B454636E5479A\_Dear WA BOH IV.pdf attachments\9EB3F5B649D14565\_Dear WA BOH V.pdf* 

attachments\D48883D1438E4717\_Dear WA BOH I.pdf

External Email

Hello WA State Board of Health,

Please accept the attached public comments on WAC 246-203-130 from the Friends of Toppenish Creek.

Thank you for reading and taking action to protect public health.

Jean Mendoza



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear WA State BOH,

We are the Friends of Toppenish Creek from Yakima County.

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.

Regarding the draft rule WAC 246-203-130, please consider this strong objection. As written WAC 246-203-130 allows a CAFO dairy in Washington state to build a million gallon manure lagoon right next to a neighbor's home or well without consequences. Here is an explanation of how the draft rule condones such an assault on human health:

Draft WAC 246-203-130, section 3 says:

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must:

(d) Handle domestic animal waste from livestock that is <u>collected and stockpiled</u> for later use or disposal as follows:

(i) Store the waste to control odors and attraction of flies, rodents, and other vectors;

(ii) Store the waste no longer than one year; and

(iii) Site the stockpile:

(A) One hundred feet or more from a drinking water well;

(B) Two hundred feet or more from a public drinking water spring;

(C) Outside the sanitary control area of a public Irinking water source if different from the areas set forth in (d)(iii)(A) and (B) of this subsection;

(D) One hundred feet or more from a surface water body unless:

(I) The surface water body is upgradient or is protected by a levee or other physical barrier; or

(II) The surface water body is protected by one or more control or treatment practices that capture and prevent leachate. Practices include, but are not limited to, storage pads, covers, storage structures, and filter strips; and

(E) Outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

This appears to create strong protections for public health.

But look closer - there is a huge loophole in the proposed rule.

WAC 246-203-130, section 2 (j) says: "Stockpiling" means the temporary piling of domestic animal waste from livestock prior to use or disposal. <u>Stockpiling does not include active</u> composting or lagoon storage of domestic animal waste from livestock.

This more than wrong. This is a gift to the powerful interests that inflict morbidity and mortality on WA citizens by managing manure in ways that place profit above human health.

Unless the BOH can prove that a million gallon manure lagoon next to a family home does not damage the family's health, unless the BOH can prove that tossing manure into the ambient air to compost it does not damage the health of entire neighborhoods, then this loophole must, in all good conscience, be closed.

Sincerely, kan Mendeza

Jean Mendoza

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



May 2, 2022

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People who live near animal feeding operations suffer from pollution of drinking water, air pollution, and infectious disease. State and local officials appear helpless to address this public health issue.

The magnitude of problems related to manure management has increased many fold since the introduction of concentrated animal feeding operations (CAFOs) to animal agriculture. Law makers who wrote rules to minimize health impacts from livery stables could not have envisioned storing animal excreta in million gallon lagoons or tossing it into the air to compost.

Remember that each mature milk cow excretes over 120 lbs of feces and urine every day. Multiply this by thousands of cows and that is a lot of manure.

A possible solution to this serious problem is to authorize citizen lawsuits against polluters when they cause or contribute to human illness or death. There is precedent for holding people responsible when they create conditions that harm others.

By herself, a woman whose husband dies from E-coli 0157 has little hope of winning against a multi-million dollar corporation that flaunts the law. But a change in the rules could make it possible to hold responsible parties accountable, by providing for cost recovery in litigation. Thank you for seriously considering this option.

Sincerely, ian Mendeza

Jean Mendoza

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

#### Rationale for Citizen Lawsuits to Protect Public Health from Manure Pollution

#### Legal Authority:

#### RCW 43.20.050

#### Powers and duties of state board of health—Rule making—Delegation of authority— Enforcement of rules.

(2) In order to protect public health, the state board of health shall:

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

#### WAC 246-203-130

#### Keeping of animals.

(1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.

(2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.

(3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

#### Facts:

Human and animal excreta carry pathogens that endanger human and animal health. This is why we teach children to wash their hands after they go to the bathroom.

People who live in close proximity to animal feeding operations suffer from pollution of drinking water, air pollution and infectious disease.

The WA DOH and local health agencies do not monitor pollutants from AFOs, do not surveil for related health impacts, do not investigate complaints or health impacts, do not control discharges and emissions, and do not assist those whose health has been harmed. The WA State Dept. of Ecology and the WA State Dept. of Agriculture do very little, and specifically do not evaluate impacts on human health. It appears that the agencies lack the resources to characterize, assess, and evaluate health impacts from AFOs.

People who live in close proximity to AFOs spend millions of dollars out of pocket to purchase safe drinking water, address health impacts such as asthma, cardiovascular and lung disease, and infections.

Taxpayers spend millions of dollars to subsidize AFO actions to reduce and mitigate pollution, and to keep AFOs in business.

Cost benefit analysis of the proposed WAC 246-203-130 does not address costs to citizens, only costs to business.

Meeting legal standards to prove health hazards is expensive. In reality, a citizen who suffers illness or even death due to sloppy manure management does not have the financial resources to prove a cause and effect relationship. Public health agencies rarely make these connections.

Current WA rules and regulations do not protect citizens from the adverse health impacts of air and water pollution from improper manure management.

#### Proposed change to the Draft WAC 246-203-130:

One solution to this problem is provision for citizen lawsuits against those who damage public health. Such lawsuits could be allowed by provisions similar to those in the Clean Water Act. Citizens could seek injunctive relief (court orders prohibiting the pollution from continuing), civil penalties, and reimbursement of legal costs and attorneys' fees.

Proposed addition to WAC 246-203-130:

Any citizen may commence a civil action on his own behalf or on behalf of dependents:

- 1. Against any person, or collective of persons, who are alleged to discharge pollutants into a drinking water aquifer, or the ambient air in amounts that inflict illness or death.
- 2. Against responsible officials for failure to perform an act or duty to investigate negative health impacts from airborne or waterborne pollutants from animal manure.

The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.

#### **Arguments:**

People who live near animal feeding operations where large amounts of manure are (mis)managed suffer documented adverse health impacts, but state and local officials appear helpless to change this situation. Citizen lawsuits could play a role in providing relief. Citizen lawsuits could realistically be undertaken if attorneys and expert witnesses could reasonably expect payment for their services.

Criteria for proving adverse health impacts will undoubtedly be subject to intense debate, but this obstacle is not insurmountable.



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

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We appreciate your hard work on WAC 246-203-130, especially the comprehensive paper, "Keeping of Animals". The documentation of health impacts deserves close attention.

- 1. In 2013 Davis et al found higher rates of campylobacteriosis in Whatcom and Yakima Counties, the WA counties with the highest concentrations of dairies and dairy animals.<sup>\*</sup> Please add this research to your literature review.
- 2. Unfortunately, the document "Keeping of Animals" is no longer up to date. Since 2018:
  - a) The WA Legislature has approved the HEAL Act and the Climate Commitment Act.
  - b) Staff at the WA State Dept. of Agriculture have discounted the value of Tech Note 23 assessments for manure lagoons.
  - c) Ecology has not completed a plan for nonpoint source pollution as promised.
  - d) There is even more data that documents egregious pollution of WA aquifers by concentrated animal feeding operations (CAFOs).
  - e) The Yakima Regional Clean Air Agency (YRCAA) has rescinded their Air Quality Management Policy for Dairies.

- f) People who live in areas with high levels of fine particulate matter from CAFO emissions have suffered higher than average rates of morbidity and mortality from COVID 19.
- g) The WA State Court of Appeals ruled that the WA Pollution Control Hearings Board erred. Ecology's 2017 National Pollutant Discharge Elimination System (NPDES) permit does not protect waters of WA State.

Below is a more thorough analysis of "Keeping of Animals" that explains the need for updates, followed by a critique of BOH's Cost Benefit Analyses.

- 3. RCW 43.20.050 (c) states, "the State Board of Health shall . . . adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains". We find no authority to delegate this duty to either the WA State Dept. of Agriculture or the WA State Dept. of Ecology. In fact, neither of these agencies are qualified to address human health.
- 4. RCW 34.05.310 addresses negotiated rule making. We are not sure whether the actions leading up to this draft rule constitute negotiated rule making or not. We do know that the BOH convened two stakeholder meetings in 2019 to discuss the rule. There were more advocates just for the dairy industry than advocates for the citizens. The beef industry brought their lobbyists as well. Only FOTC argued for protection of CAFO neighbors. Everyone at the table was Caucasian.

If this is negotiated rule making, there are insufficient protections to ensure that other agencies will do their part to protect public health. Currently Ecology and WSDA have the power to control air and water pollution, but they do not use that power, so air and water pollution from dairies continue. There are no memoranda of understanding to guarantee cooperation and collaboration.

Sincerely. kan Mendeza

Jean Mendoza

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

<sup>\*</sup> Davis, M. A., Moore, D. L., Baker, K. N., French, N. P., Patnode, M., Hensley, J., ... & Besser, T. E. (2013). Risk factors for campylobacteriosis in two Washington state counties with high numbers of dairy farms. *Journal of clinical microbiology*, *51*(12), 3921-3927. Available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3838072/

#### KEEPING OF ANIMALS Background and Policy Recommendations of the Washington State Board of Health for Revising WAC 246-203-130

https://sboh.wa.gov/sites/default/files/2022-01/KeepingOfAnimals-FinalReport.pdf

#### Pages 4 & 15:

Regulation of livestock manure, commercial animal feeding operations, and other domestic animal waste in Washington to protect water and air quality is framed mainly around the following:

- Dairy licensing
- National Pollutant Discharge Permits
- Nonpoint source pollution prevention
- Local ordinances
- Air quality control by Ecology and local air agencies

#### Response:

WA dairies are required to have nutrient management plans, but they are not required to follow them.<sup>1</sup> See "Keeping of Animals" page 15 that says, "The law does not require producers to follow the (nutrient management) plans."

Dairies are only inspected every 18 - 22 months and the inspections focus on what is written on paper, not on what is happening on the dairy. There is only one WSDA inspector for all Eastern Washington where 2/3 of WA milk cows are housed.

Less than 10% of WA dairies have NPDES permits. Permitted dairies in Yakima County apply manure in quantities that greatly exceed agronomic rates.<sup>1</sup>

Ecology has yet to complete a nonpoint source pollution plan for the state. Ecology has worked on nonpoint source pollution since 2015 and is nowhere completion.<sup>3</sup>

Local ordinances are almost non-existent and are not enforced by local agencies, at least not in Yakima County.<sup>4</sup>

<sup>3</sup> Ecology Voluntary Water Guidance for Agriculture at <u>https://ecology.wa.gov/About-us/Accountability-</u> transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv

<sup>&</sup>lt;sup>1</sup> Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

<sup>&</sup>lt;sup>2</sup>See Attachment 1

<sup>&</sup>lt;sup>4</sup> See Attachment 2 – Email from the Yakima Health District re enforcement of Solid Waste Manure Composting rules

The Yakima Regional Clean Air Agency (YRCAA) rescinded an Air Quality Management Policy for Dairies in 2019. The YRCAA does not investigate air quality complaints against dairies and has never issued a notice of violation of odor or dust.<sup>5</sup> Washington CAFOs do not report hazardous air emissions.

The summary in "Keeping of Animals" gives the impression that other WA agencies address pollution from WA CAFO dairies. This is incorrect.<sup>6</sup>

Page 10:

The Lower Yakima Valley is similarly plagued by high nitrate levels in drinking water that are closely associated with significant numbers of farm animals and large animal feeding operations. Yakima County has the most dairy cows in the state (WSDA, 2011). About a third of the Lower Yakima Valley uses private, unregulated wells for drinking water. Between 10 and 20% of these wells have nitrate concentrations that exceed the national and state drinking water standard (USEPA, 2012b).

In 2018-2019 the Lower Yakima Valley Groundwater Management Area drilled 30 monitoring wells evenly spaced throughout the Lower Yakima Valley (LYV). At the time of drilling 45% of the wells had nitrate levels above 10 mg/L. Beginning in 2021 Ecology began sampling the monitoring wells to establish a baseline for the area. In the first two 2021 samplings 45% of the samples were above 10 mg/L.<sup>7,8</sup>

The EPA has studied nitrate levels in dedicated monitoring wells on a cluster of LYV dairies. The highest reading in the EPA studies is 234 mg/L.<sup>9</sup>

<sup>6</sup> Ecology and WSDA knew about pollution on a cluster of Lower Yakima Valley dairies for years, but gave the dairies glowing reports while the dairies applied manure to cropland at up to seven times agronomic rates. See Attachment 3.

<sup>7</sup> LYV GWMA Initial Ambient Groundwater Monitoring Well Report at <u>https://www.yakimacounty.us/DocumentCenter/View/21633/GWAC-Presentation---Monitoring-Well-Report-Overview---2019620-v20-1</u>

<sup>8</sup> WA Ecology Environmental Information Management System Data Base Groundwater Data at <u>https://apps.ecology.wa.gov/eim/search/Groundwater/GWSearch.aspx?SearchType=Groundwater&State=newsearch</u> <u>&Section=all</u>

<sup>9</sup> EPA Region X LYV Groundwater Fact Sheet 2014 Yakima Dairies Consent Order Update at <u>https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-fact-sheet-december-2014.pdf</u>

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC AA.pdf

#### Page 15:

WSDA has conducted lagoon inspections in the Yakima Valley based on the site inventory and assessment procedure of Natural Resources Conservation Service (NRCS) Tech Note 23. Between 2015 and 2017, WSDA inspected most dairy lagoons in the Yakima Valley with a minimum of two site visits, to evaluate the lagoons when full and when empty. The lagoons are scored on criteria (e.g., soil type, aquifer susceptibility, proximity to water bodies, compliance with design standards) and ranked on a risk probability matrix for site risk and seepage/structure risk. The evaluations are being carried out in concert with the CAFO permit, giving facilities with high risks two years to develop and implement plans to address the deficiencies.

WSDA now says that the Tech Note 23 Inspections re invalid. WSDA has not completed Tech Note 23 Inspections outside Yakima County as promised. Tech Note 23 Inspections in Yakima County are missing essential data and those dairies with high risk lagoons have not developed and implemented plans to address the deficiencies as stated in "Keeping of Animals"<sup>10</sup>

Page 16:

Any commercial or industrial operation that discharges waste material to state waters is required to have a permit from Ecology.

This is simply not true. Two dairies in the LYV dairy cluster that have well documented discharges are not covered by NPDES permits.<sup>11</sup>

Discharges are allowed in limited situations and cannot violate water quality standards or impair other uses of the waters.

Many dairies in Whatcom County are located in flood plains. Manure from these dairies flowed into the floodwaters of the Nooksack River in 2021. Taxpayers spent hundreds of thousands of dollars to help Whatcom County dairies pump manure from lagoons that were at risk of overtopping during the 2021 floods.<sup>12</sup>

<sup>&</sup>lt;sup>10</sup> See Ecology and WSDA Do Not Inspect Manure Lagoons at <u>http://www.friendsoftoppenishcreek.org/issues/water.html</u>

<sup>&</sup>lt;sup>11</sup> The EPA has found egregious pollution from crop land and from unlined manure lagoons on the Henry Bosma Dairy and the Liberty Dairy in the LYV dairy cluster. Neither of these dairies has an NPDES permit.

<sup>&</sup>lt;sup>12</sup> Verbal communication from Laura Watson, Director of the WA Dept. of Ecology at the April meeting of Ecology's Ag and Water Quality Advisory Committee.

Decision on CAFO Permit Appeal On October 25, 2018, the Washington State Pollution Control Hearings Board (PCHB) issued an order on an appeal of the CAFO permits by a number of organizations on all sides of the issue. The order upheld and affirmed the permits with the exception of a condition associated with lagoon assessments. Ecology is expected to reissue the permits consistent with the order (WSPCHB, 2018).

A coalition of environmental groups successfully appealed the PCHB decision to the WA State Court of Appeals. In 2021 the Court of Appeals ruled that the 2017 NPDES permits for CAFOs do not protect waters of the state.<sup>13</sup>

Ecology and WSDA jointly administer CAFO permits and also work cooperatively on the Dairy Nutrient Management Program and Agricultural Nonpoint Source Program. The agencies are guided by a Memorandum of Understanding (MOU) that was last updated in 2011.

The referenced MOU protects WA dairies from enforcement of the Clean Water Act. The WSDA Dairy Nutrient Management Program (DNMP) hardly ever documents a discharge to waters of the state. Consequently, there is no justification for requiring a dairy to obtain an NPDES permit. The DNMP typically states that a dairy complies with best management practices (BMPs) although WSDA and Ecology state that there is no approved list of BMPS for dairies.<sup>14</sup>

Page 19:

Ecology is currently undertaking a major project to develop voluntary clean water guidance for agricultural activities. The project aims to identify agricultural practices that are most effective in addressing nonpoint source impacts and achieving compliance with water quality standards. Impetus for the project is federal law, specifically the Clean Water Act and Coastal Zone Act Reauthorization Amendments of 1990, which require the agency to identify suites of practices for different sources of nonpoint pollution. The project is part of Ecology's 2015 Nonpoint Source Pollution Plan. The planning, stakeholder involvement, and technical analysis are expected to take a couple years (WSDOE, 2015b, 2015c, 2017).

After at least seven years Ecology's nonpoint source plan is nowhere near completion.<sup>3</sup>

<sup>13</sup> Puget Soundkeeper et al v. WA Ecology 2021, available at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/D2%2052952-1-II%20PUBLISHED%200PINION%20(2).pdf</u>

<sup>14</sup> WSDA & Ecology Memorandum of Understanding – A Chain of Errors, available at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/MOU%20Problems%20and%20Sequelae.pdf</u> Page 20:

RCW 7.48.305 explains that agricultural activities that are consistent with good practices and that conform with all applicable laws and rules are assumed to be reasonable and do not constitute nuisance unless the activity has a substantial adverse effect on public health and safety.

In Yakima County officials have never investigated the adverse public health effects of agricultural activities such as:

- Polluting groundwater
- Polluting surface waters and contaminating fish
- Polluting the air with particulate matter, ammonia, hydrogen sulfide, volatile organic compounds, ozone, methane, and nitrous oxide. <sup>5</sup>

Because there are no documented impacts officials refuse to take actions against allegedly "good agricultural practices" such as:

- Composting hundreds of dead cows in small areas
- Composting manure in the pens where cows live
- Discharging pollutants into aquifers that people access for drinking water.<sup>5</sup>

Morbidity and mortality from COVID 19 are well above the state average in Yakima County. Harvard University has documented a relationship between counties with high levels of particulate matter and deaths from COVID 19.<sup>15</sup>

Chapter 35.88 RCW applies to protection of public water supplies and explains that animal operations such as hog pens and feed yards that pollute municipal water supplies, storage, or conveyance are illegal and should be abated as nuisance.

The Outlook Elementary School in Yakima County had to drill two new wells due to nitrate contamination. The only likely source of this pollution is nearby dairies with well documented discharge to groundwater. Officials took no actions against the dairies but simply expected taxpayers to cover the expense of drilling new wells.

The City of Mabton has been forced to drill several new municipal wells due to a falling aquifer and nitrate contamination that reached 20 mg/L. Officials took no actions against upgradient dairies but simply expected taxpayers to cover the expense of drilling new wells.

<sup>15</sup> COVID 19 Incidence and Death Rates for Yakima County, available at

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC</u> AA.pdf

http://www.friendsoftoppenishcreek.org/cabinet/data/COVID%2019%20Demographics%20for%20Yakima%20Cou nty%20IV.pdf

*RCW* 70.54.010 and *RCW* 90.48.080 respectively make it illegal to deposit anything deleterious that affects public water supplies or to discharge polluting matter to waters of the state.

Dairy discharges to waters of the state are well documented, yet Ecology does nothing to stop this illegal activity.

Chapter 70.95 RCW sets requirements for solid waste management, which extends to animal waste and includes provisions that prohibit dumping or depositing waste in waters of the state or creating a nuisance. Companion solid waste handling standards, chapter 173-350 WAC, exempt land application of manure if applied at agronomic rates. If piled, over-applied, or otherwise mismanaged to create a problem, manure can be regulated as a solid waste.

Over application of manure to cropland is well documented, yet WSDA and Ecology do nothing to stop this illegal activity.<sup>1, 2, 6, 9</sup>

Page 21:

King County first adopted its livestock management ordinance in the mid1990s. The purpose of KCC 21A.30, sections 040 – 075, is to support the raising and keeping of livestock and to minimize impacts on water quality and salmon habitat. The code also regulates small animals. The code regulates lot size, livestock densities, farm planning, and management practices to prevent nonpoint pollution. The management standards include many requirements for manure storage and spreading. Section 122 of KCC 21A.12 complements this with a manure storage setback of 35 feet from the property line. <u>Commercial dairies are exempt</u> and must meet the requirements of DNMP (King County, 2009, 2013).

The Keller Dairy in King County, located next to the Snoqualmie River, spreads manure within 10 feet of the river, according to their manure pollution prevention plan (MPPP).

<sup>1</sup> Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

<sup>6</sup> Ecology and WSDA knew about pollution on a cluster of Lower Yakima Valley dairies for years, but gave the dairies glowing reports while the dairies applied manure to cropland at up to seven times agronomic rates. See Attachment 3.

<sup>9</sup> EPA Region X LYV Groundwater Fact Sheet 2014 Yakima Dairies Consent Order Update at <u>https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-fact-sheet-december-</u>2014.pdf

<sup>&</sup>lt;sup>2</sup>See Attachment 1

See the Keller Manure Pollution Prevention Plan, page 11/22 that says:

In addition to using the MSA and ARM tools year-round, the appropriate seasonal setback distance will be utilized when applying manure. These seasonal setbacks are based on scientific studies which recommend specific distances for sediment and nutrient removal based on seasonal precipitation, soil saturation conditions, and surface runoff potential. This includes a more robust setback during the high risk months of October 1-February 28 of 100 feet, reduced to 40 feet from March 1-May 31 and September 1-September 30 when soils are drying, and <u>10 feet in the dry summer months of June 1-August 31 when precipitation is minimal and soils dry.</u> The following table lists the appropriate setback distances per season.<sup>16</sup>

#### Page 24:

Registration and Reporting: Feedlots with 1,000 or more cattle in operation between June 1 and October 1 are required to register with Ecology or their local air agency under WAC 173-400-099 to WAC 173-400-104, report emissions of certain criteria and toxic air pollutants, and undergo inspections every one to three years. Emissions are estimated based on the size, processes, and pollution controls of the animal feeding operation. Ecology recently conducted a comprehensive literature review and issued revised emissions factors for cattle feedlots in 2016.

Are dairies classified as feedlots? None of the 50 CAFO dairies in Yakima County register as sources of air pollution, or report emissions of air pollutants. There are about 100,000 milk cows in a 273 square mile area in the Lower Yakima Valley (LYV).

Controlling Fugitive Emissions, Dust, and Odor: Under RCW 70.94.640, odors or fugitive dust from animal feeding operations that are applying BMPs<sup>17</sup> are exempt from the requirements of the state Clean Air Act unless they have a substantial adverse effect on public health. Feedlots with 1,000 or more cattle are included in this agricultural activity exemption except they must:

- Follow BMPs<sup>17</sup> and develop and implement a fugitive dust control plan;
- Comply with the State Implementation Plan (SIP) for air quality; and

• Additional controls may be required as part of the SIP if an area is designated as nonattainment for particulate matter under national ambient air quality standards (NAAQS).

<sup>&</sup>lt;sup>16</sup> Manure Pollution Prevention Plan (MPPP) Keller Dairy, page 11/22, available at file:///C:/Users/Jean%20Mendoza/Downloads/2020-07-28%20MPPP%20(5).pdf

<sup>&</sup>lt;sup>17</sup> According to WA Ecology there are no approved best management practices for WA dairies. See Attachment 4.

Ecology or the appropriate local air agency review and approve fugitive dust control plans, inspect sources, <u>respond to complaints</u>, provide compliance assistance, and may issue enforcement actions. In 1995, Ecology issued guidelines on fugitive dust control for beef cattle feedlots and best management practices. These guidelines are included in the SIP to help the state meet and maintain the NAAQS and protect public health. Yakima Regional Clean Air Agency has also established policies and BMPs for animal feeding operations in their jurisdiction, <u>specifically for dairy operations</u>, confined heifer replacement feeding operations, and confined beef cattle feeding operations. As an added note, Ecology is working to interpret and implement changes to RCW 70.94.640 made in the 2017 legislative session by SSB 5196 (C 217, L 17) that extend the Clean Air Act exemption for odor and fugitive dust caused by agricultural activities to cattle feedlots. This will change aspects of the regulatory structure when finalized.

Washington law requires Ecology to approve a list of best management practices for CAFOs. Friends of Toppenish Creek submitted public records requests for a listing of these BMPS in 2021. Both Ecology and WSDA replied that there are none.<sup>17</sup>

The Yakima Regional Clean Air Agency rescinded their policy for dairies in 2019. The YRCAA does not investigate complaints regarding odor and dust from dairies.<sup>5</sup>

Page 25:

Capitalize on Local Health Authority The rule should capitalize on the authority and responsibility of local health boards and local health officers under chapter 70.05 RCW. This includes authority to:

- Supervise the maintenance of all health and sanitary measures;
- Enact and enforce local regulations as needed to preserve, promote, and improve public health; and

• *Provide for the prevention, control, and abatement of nuisances detrimental to public health.* 

In response to a 2021 public records request the Yakima Health District informed FOTC that the YHD does not enforce WAC 173-350-220 with respect to manure composting facilities.

http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC AA.pdf

<sup>4</sup> See Attachment 2 – Email from the Yakima Health District re enforcement of Solid Waste Manure Composting rules

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at

Leave Regulation of Large Animal Feeding Operations to Established Programs WSDA manages the Dairy Nutrient Management Program and Ecology and WSDA comanage the CAFO permit. For many reasons, the programs are complicated and hard to implement. Despite the challenges, the two agencies are best positioned to regulate the state's large commercial animal feeding operations given their legal authorities, expertise, resources, and support from many partner agencies. The same holds true for regulation of air emissions by Ecology and the local air agencies. In keeping with the preceding recommendations, the Board's rule should avoid duplicating core work of these programs and should aim to support these existing state programs with complementary authority and functions.

We have shown that Ecology and WSDA have failed to protect the environment from water and air pollution related to CAFO dairies. These agencies barely talk about human health. Leaving implementation of public health to Ecology and WSDA is a recipe for failure.

#### Small Business Economic Impact Statement WAC 246-203-130 a Rule Concerning Keeping of Animals

Page 4:

NAICS Code 1121, Description "Cattle Ranching and Farming", # of businesses in WA "534", MCT (1% average annual payroll) "\$3,657.58", MCT (0.03% annual receipts) "\$3,864.14"

We believe the cost estimates in this category that includes the multi-million dollar dairy industry, are inaccurate. We do not believe that the payroll for veterinary services exceeds the payroll for dairies as stated in the Economic Impact Statement.

#### Significant Legislative Rule Analysis WAC 246-203-130 a Rule Concerning Keeping of Animals Revising the Section Title to Domestic Animal Waste

Page 16:

WAC 246-203-130(3)(d)(iii)(D)(II) Site stockpiled livestock waste one hundred feet or more from a surface water body unless the surface water body is protected by one or more control or treatment practices that capture and prevent leachate and runoff.

Description: If waste from livestock is stockpiled for later use or disposal, this proposed exception to WAC 246-203-130(3)(d)(iii)(D) allows people to site stockpiles closer than one hundred feet of a surface water body if practices are applied to mitigate runoff and leachate. This can include practices to mitigate stockpiles such as covers and pads, or alternate methods of storing stackable waste, such as stacking and composting structures.

Common conservation practices for stackable waste include the following, listed by NRCS code. Practices can be applied individually or in combination. Practices may or may not be designed and constructed to NRCS standards but should always be designed to account for anticipated storage needs, surface loads, drainage, and possible seepage.

This section fails to inform the reader that the definition of "stockpiling" in the draft WAC 246-203-130 exempts manure composting and manure lagoons from the definition. In Yakima County there are over 500 acres of manure compost on bare ground.<sup>18</sup> In Yakima County there are over 200 acres of manure lagoons, and most are simply "clay lined" which means they are lined with compacted soil.<sup>18</sup> Leaching from these lagoons is significant and well documented.<sup>19</sup>

WAC 246-203-130 does not sufficiently address groundwater pollution or air pollution.

NRCS standards are guidelines and non-enforceable.

<sup>18</sup>Lower Yakima Valley Groundwater Management Area Nitrogen Availability Assessment at <u>https://www.yakimacounty.us/2131/Nitrogen-Availability-Assessment</u>

<sup>19</sup> Bosma Dairy Lagoon 3 shows massive nitrogen loadings leading to ground water contamination, available at <a href="http://charlietebbutt.com/files/CAFOs/Bosma%20Lagoon%203%20Abandonment%20Plan\_20220118.pdf">http://charlietebbutt.com/files/CAFOs/Bosma%20Lagoon%203%20Abandonment%20Plan\_20220118.pdf</a>

### Attachment 1: Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

#### Annual NPDES reports from DBD Dairy 2018 to 2021

Field Risk Level	Field	Nitrate at 2'	Re	equired Actions		uired Actions d Upon Trends		Comments	
Low	24	10		and the second					
2000									
Fall Soil Test Nitrate Range:	Old Mint	3	None		None		Canal	break resulted in no water for 1.5 weeks, resulting	
Less than 15 ppm			Home		None			s of vield.	
<ul> <li>Less than 55 lbs/acre</li> </ul>								of year.	
		See.	2				-		
Medium	018	17	1		T		-		
	02EC	18	1						
Fall Soil Test Nitrate Range:	08-118	27	Continue	with agronomic rate	None			break resulted in no water for 1.5 weeks, resulting	
<ul> <li>15-30 ppm</li> </ul>			1.000100000		10.000 A C		in los	s of yield.	
<ul> <li>55-110 lbs/acre</li> </ul>									
State of the Number of States of States	Alexander and	1				Alter X Lord			
	02EB	45			1		-		
High	07	45	• 3'sa	amples to be taken					
Foll Coll Proce Million of Street	08-11C	46		t fall.					
<ul> <li>Fall Soil Test Nitrate Range:</li> <li>31-45 ppm</li> </ul>	21	42	ilex		None			break resulted in no water for 1.5 weeks, resulting	
	22CP	39	Re-evaluate agronomic rate.		1 26202000	in loss of yield.			
<ul> <li>111-165 lbs/acre</li> </ul>	23	36			2				
								8	
		-		A STATE OF STATE	12-11-5		1 - 1 -		
Very High	01C	117			2				
	02NWB	65	6						
Fall Soil Test Minate Range	02SWB	52	• 3' sa	imples to be taken					
<ul> <li>More Haan 45 ppm</li> </ul>	02WC	67	next	t fall.					
Nore her 165	03B	161	- 02020 					break resulted in no water for 1.5 weeks, resulting s of yield.	
	03C	140		uce application			10 105	s of yield.	
	04	64	(eva	luate agronomic	None at	this time	Somo	fields have produced residual ppm levels that are	
	05	65	rate	).				bove what would typically be expected given the	
	06	54	ST 855					ed manure rates.	
	2255	63		approval of nutrient			-ppm		
	25	48	bud	get from DOE.					
	a second	-							
	1	1							
		1.1.2.1.3				and the second		A DAY STATISTICS AND A DAY AND	
623									
TABLE 3: Adaptive Manag	ement Action	(Based on	Fall 2010	(data)					
DBD WASHINGTON, LLC	ement Action	o loased on	raii-2019	uataj					
Field Risk Level	Field	12.12	Nitrate	Required Actions	R	Required Actions	based		
Low	Old Mint		at 2'	None	U	pon Trends		Comments	

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions based upon Trends	Comments
Low Fall Soil Test Nitrate Range Less than 15 ppm Less than 55 lbs/acre	Old Mint	1.7	None.		
Medium	01 C	30.3	Continue with agronomic		
all Soil Test Nitrate Range	08-11 C	18.8	rate.		
<ul> <li>15-30 ppm</li> </ul>	22 SS	21.9			
<ul> <li>55-110 lbs/acre</li> </ul>	25	19.3			
ligh	02 EC	38.3	Adjust application timing.	None at this time	
all Soil Test Nitrate Range	04	40.5	3' fall soil sampling.		
<ul> <li>31-45 ppm</li> </ul>	06	40.1	Adjust application rates		
• 111-165 lbs/acre	07	39.6			
	23	32.3			
	24	38.8			
		Sal Long	And the second s		
	01 B	62.3	Adjust application timing.	None at this time	Emergency applications in 2019 are the main
	02 EB	67.5	3' fall soil sampling.		reason for the higher residual nitrate levels
<ul> <li>Nissettian 65 ppm</li> </ul>	02 NWB	94.1	Reduce application rate		
<ul> <li>More than see for acre</li> </ul>	and the second se	48.5			
	02 WC	56.6	Get DOE approval for		
	03 B	132.7	nutrient budgets.	5 C	
	03 C	143.5			
	05	47.7			
	08-11 B	53.4			
	21	50.4			
	22 CP	50.2		/	
	1				

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions Based Upon Trends	Comments
Low	23	14.3			
Fall Soil Test Nitrate Range: • Less than 15 ppm	25	8.0			
Less than 55 lbs/acre	Old Mint	5.5			
Medium	06	28.9			
Fall Soil Test Nitrate Range:	07	24.2			
<ul> <li>15-30 ppm</li> <li>55-110 lbs/acre</li> </ul>	22 55	16.6			
<ul> <li>55-110 lbs/acre</li> </ul>	24	29.0			
		2.5.0			
High	01 C	43.9			
Fall Soil Test Nitrate Range:		41.2	The nutrient budgets will be		
• 31-45 ppm	02 SWB	33.5	adjusted downward		
<ul> <li>111-165 lbs/acre</li> </ul>	05	40.8			
	01 B	50.7			
Very High	02 EB	65.1			
Fall Soil Test Nitrate Range:	02 NWB	50.0			
More than 45 ppm	02 WC	54.7			
<ul> <li>More than 165 lbs/acre</li> </ul>	03 B	164.9	The following fields will receive limited to no		
waratre	03 C	193.3	application until the values		
	04	48.2	come down. Values are down		
	08-11 B	95.5	from 2019.		
	08-11 C	126.5			
	21	66.1			
	22 CP	62.5			

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions Based Upon Trends	Comments
Low	Field 07	11.0	None		
Fall Soll Test Nitrate Range:	Field 22 SS	5.1			
<ul> <li>Less than 15 ppm</li> <li>Less than 55 lbs/acre</li> </ul>	Field 25	5.3			
Less than 55 lbs/acre	Old Mint	12.6		1	
Medium	Field 02 EC	15.5	None	1	
Fall Soil Test Nitrate Range:	Field 05	25.3			
• 15-30 ppm	Field 06	16.9		1	
<ul> <li>55-110 lbs/acre</li> </ul>	Field 08-11 C	23.0		j,	
	Field 23	25.3		1	
High	Field 01 B	41.0	No application for 2022		
	Field 01 C	36.6	Reduced application		
<ul> <li>Fall Soil Test Nitrate Range:</li> <li>31-45 ppm</li> </ul>	Field 02 EB	33.0	No application for 2022		
<ul> <li>111-165 lbs/acre</li> </ul>	Field 02 WC	44.8	No application for 2022		
	Field 24	43.5	Reduced application		
Very High	Field 02 NWB	71.7	No application for 2022		Fields in the High to Very High risk levels continue to
Fall Soil Test Nitrate Range:	Field 02 SWB	45.5	No application for 2022		decrease as in 2019 there were 17 total fields in these
<ul> <li>45 ppm</li> </ul>	Field 03 B	106.0	No application for 2022		categories and in 2020 there were 15 and now in 2021
More than 165	Field 03 C	214.7	No application for 2022		there are 13.
lbs/acre	Field 04	56.0	No application for 2022		
	Field 08-11 B	69.8	No application for 2022		
	Field 21	54.6	No application for 2022		
	Field 22 CP	52.9	No application for 2022		

Sunnyside Dairy Field Risk Level	Field	Nitrate	Required Actions	Required Actions based	
	N. S.	at 2'		upon Trends	Comments
OW	70 ac Pivot 02 Karl's	5.3	None.	No trends have been	
<ul> <li>all Soil Test Nitrate Range</li> <li>Less than 15 ppm</li> </ul>	Airport 02	9.1		established.	
Less than 55 ibs/acre	Airport 03	4.8			
· Less than 33 (bayatre	P01	13.7	8		
	P02	12.6	2		
	P03	3.1			
	Tom 03 70 ac	5.5			
and the second second second			and the second second	Sector Law and Sector Sector	
Viedium	70 ac Pivot 01 Kari's	23.6	None.	No trends have been	
Fall Soil Test Nitrate Range	70 ac Pivot 03 Karl's	22.7	8	established.	
<ul> <li>15-30 ppm</li> </ul>	Airport 01	25.0	8		
<ul> <li>55-110 lbs/acre</li> </ul>	Case Field 01	21.1	1		
	Field 02	18.9	8		
	Field 03 CP	25.6	8		
	P05	18.0			
	Tom 01	28.4	1. A.		
	Tom 02	30.7			
figh	Field 04	38.9	Adjust application timing.	No trends have been	
all Soil Test Nitrate Range	Little Dairy E	35.7	3' fall soil sampling.	established.	
• 31-45 ppm	Little Dairy N	32.3	Document reasons for		
<ul> <li>111-165 lbs/acre</li> </ul>	P04	36.9	higher residual.		
Contraction of the State of the	Wade's 02	33.5			
	60 ac	125.8	Adjust application time	No trends been been	
	100 ac	62.7	Adjust application timing. 3' fall soil sampling.	No trends have been established.	
Australian 4) pers	Field 03 Linear	51.3	Document reasons for	Cacatoria neu.	
· Normethaleses the Allow	Field 05	66.4	higher residual.		
	Guerra	80,4	Get DOE approval for		
	Little Dairy W	62.2	nutrient budgets.		
	Orchard	65.3	1. Mar. 1995-99 (1993)		
	Rick	88.3			
	Wade's 01	48.9			
TABLE 3: Adaptive Manag Sunnyside Dairy		48.9 181.6 side Dairy	2020 Fall		
Sunnyside Dairy Field Risk Level	Wade's 01 Wade's 03 ement Actions Sunnys Field	48.9 181.6 side Dairy Nitrate at 2'	2020 Fall Required Actions	Required Actions based upon Trends	Comments
Sunnyside Dairy Field Risk Level Low	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's	48.9 181.6 side Dairy Nitrate at 2' 4	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01	48.9 181.6 side Dairy Nitrate at 2' 4 3	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's	48.9 181.6 side Dairy Nitrate at 2' 4	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate: Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01	48.9 181.6 side Dairy Nitrate at 2' 4 3	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range Less than 15 ppm Less than 55 lbs/acre Medium	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01	48.9 181.6 side Dairy Nitrate at 2' 4 3	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 22 24	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 24 16	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 24 15 17	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 03 CP Little Dairy N Little Dairy W	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 24 16 17 26.1	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 3 3 3 15	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 27 26.1 30 15 22.5	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 3 3 3 15	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 22 24 17 26.1 30 15 22.5 22	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 35 22.5 22 24 31	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W POS Tom 03 70 ac Wade's 01 Wade's 02	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 22 31 37	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 12 22 24 6 29.8 12 22 24 16 22 24 17 26.1 30 17 22.5 22 24 31 37 34	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22.5 22.5 22.5 31 37 34 15	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 12 22 24 6 29.8 12 22 24 16 22 24 17 26.1 30 17 22.5 22 24 31 37 34	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 34 31 37 34 5 20	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 15 22 24 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 22 24 15 22 24 15 15 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 22 22 24 15 15 22 22 22 24 15 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 30 15 30 15 30 15 32.5 31 37 34 15 20 24 4 35.5	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 113-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 27 24.6 29.8 17 26.1 30 17 26.1 30 17 26.1 30 4 35 22.5 22 24 17 26.1 30 4 35 22.5 22 24 37 34 15 20 4 35 37 34 15 26 26 26 26 27 26 26 26 26 26 26 26 26 26 26	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Veroy High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Alrport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 31 37 37 33 34 35.5 38	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward.		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fail Soil Test Mitrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy N Little Dairy N Little Dairy S Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 34 15 22.5 22 22 24 5 22 22 24 5 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 22 24 35 22 22 22 22 22 24 35 22 22 22 22 22 22 22 31 37 34 4 35 220 22 22 22 22 22 22 22 22 2	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Verov High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy S Tom 03 70 ac Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 03 Karl's Field 05	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 17 26.1 30 15 22.5 22 24 15 22.5 22 24 15 22.5 22 24 15 25 60 55 60 55 56 48	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward.		Comments
Sunnyside Dairy Field Risk Level Low Fall Soll Test Nitrate Range Less than 15 ppm Less than 55 lbs/acre Medium Fall Soll Test Nitrate Range 55-110 lbs/acre High Fall Soll Test Nitrate Range 31-45 ppm 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Uttle Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's Field 05 Guerra	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 37 37 37 37 37 35.5 38 60 52 52 56	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fail Soil Test Mitrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's Field 03 Linear Field 03 Corbit of Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's Field 03 Corbit of Case's Field 03 Rick's Tom 01 N	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 37 22,5 22 24 15 22,5 22,5 22 24 15 22,5 23,5 24,5 24,5 25,7 25,5 25,5 25,5 25,5 25,5 25,5 25,5 25,5 25,5 25,5 25,7 25,7 25,5 25,5 25,7 25,7 25,7 25,5 25,5 25,5 25,5 25,5 25,7	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fail Soil Test Mitrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Uttle Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's Field 05 Guerra	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 37 37 37 37 37 35.5 38 60 52 52 56	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments

#### Annual NPDES reports from Sunnyside Dairy 2019 to 2021

Sunnyside Dairy	33	102	8	22	80
Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions based upon Trends	Comments
Low	60 ac	7.9	None	68.00 a	8
Fall Soil Test Nitrate Range	70 Pivot 01 Kari's	8.6	and the second		
<ul> <li>Less than 15 ppm</li> </ul>	100 ac	10.3			
<ul> <li>Less than 55 lbs/acre</li> </ul>	70 ac Pivot 01 Karl's	8.6			
	70 ac Pivot 02 Karl's	8.0			
	Field 01	9.0	ġ.		
	Orchard	13.4			
	Tom 01 N	11.8			
	Case's	12.3			
	Tom 03 70 ac	5.6			1
	Airport 01	3.4			
	Airport 03	7.5			
Medium	Wade's 02	15.4	None		
Fall Soil Test Nitrate Range	70 ac Pivot 03 Karl's	19.2			
<ul> <li>15-30 ppm</li> </ul>	Field 02	22.5			
<ul> <li>S5-110 lbs/acre</li> </ul>	Field 03 CP	23.7			
	Rick's	15.7			
	Tom 02 W	19.3			
	Field 05	28.5			
	Guerra	17.6	2		
	Little Dairy E	16.0			
	Little Dairy N	20.1			
	Little Dairy W	24.6			
	P 01	23.3			1
	P 02	28.2			1
	P 03	21.9			1
	P 05	21.9	\$	÷.	
High	Field 03 Linear	38.4	Reduce application	Watch Field 03 Linear	<u> </u>
Fall Soil Test Nitrate Range	Field 04	31.8		and Field 04 as two	1
<ul> <li>31-45 ppm</li> <li>111-165 lbs/acre</li> </ul>	Wade's 01	39.4		years in High or Very High	
Very High	Wade's 03	54.8	Reduce application	Watch P04 and Wade's	
More than 45 ppm	Airport 02	49.4		03 as two years in High or Very High	
<ul> <li>More than 45 ppm</li> </ul>	CHANNEL CONTROL OF	1.557.000	2	or very High	1

Attachment 2: Email from Shawn Magee at the Yakima Health District, October 20, 2021:

#### Follow-Up Info for Public Records Request Email 1 of 2

Good Afternoon Ms. Mendoza,

Below is a the response to the question you asked in a follow-up email for the records request you submitted. Also, attached are the records we have for your follow-up request.

Please note that many facilities, including exempt composters, are supposed to submit a notice of intent – many have not. Also, many facilities, including exempt composters, are supposed to submit an annual report – many have not. These records are from 2010-present.

. . . . . . .

Shawn Magee, R.S.

Environmental Health Director

Yakima Health District

Office: (509) 249-6533



#### Attachment 3: Soil Nitrate Reports from George DeRuyter & Son Dairy

			Web: agrint	, and the second se				Fer	tilit	Y R	epo	rt	
George DeR	uvter	& Sons	(Y281	)						97 GEN	007/40407		F13-060
Field: GDS	1000	W-3335	10.00	26	cres:	99.1		Se	mple 1	Date:	10/17/2	013	757
Crop: Tritic				333	70656)	Wheel lin		0.52	vious (	10100	2013 A	falfa	
Crop: Thuc	ale-300			11	rigation	, white a m			rrent (		1010	riticale Su	dan
Soil series:	Scool	n silt loar	n		Leach	Hazard:	.ow	1	Vo. of S	ites:	30		
Topography:		y undulat						vg Samp	1.1.1		3.0		
Restrictive laye	122.5		COLORISM ST	on the	surface.	caliche lay		- Saud			100-00		
Residue Incor	1922 - 1952		S			ale-Sudan		d					
승규가 아름다 가지 않는 사람이 했다.													1001512
					cnolls and	ampling th d ridges.	G IIIIN	alic waa	GL 2.44	tan. Y	olunice	anana,	com, a
		ppm A	tobile l	Nutrien	ts (Ibs/	ac) Excl	. / S	oluble B	ases (	meq/	100g)	Other	Data
	Depth	NO ;	NO <sub>3</sub>	NH 4	SO 4	B	Ca I	Mg A	Na	T.B.	CEC	VolWt	%AW
Sample Area		220	65	7	37	1.6 16	20 3	3.90 1.04	0.30	21.44	19.2	1.25	75%
Construction of the Owner of the	1'	19										1.25	88%
Field Composite Field Composite	1' z'	24	81									92,070	
Field Composite Field Composite	1'	24 14	49			10						1.25	81%
Sample Area Field Composite Field Composite Field Composite	1' z'	24	25.10	7	37	1.6						92,070	81%
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resid	24 14 Totals: Jual nitra	49 195 tes are	moderat	42650	onium is in	equili	orium. S	ulfur is	adequ	ate, whi	1.25	
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resik ossibly	24 14 Totals: Jual nitra	49 195 tes are Sodiu	moderat m is favo	e. Ammorably lov	onium is in			ulfur is	adequ	ate, whi	1.25	
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resik ossibly	24 14 Totals: dual nitra marginal	49 195 tes are Sodiu	moderat m is favo rients ()	e. Ammorably lov	onium is in ver.		ta	ulfur is mhos/c		ate, whi	1.25 le boron	
Field Composite Field Composite Field Composite Comments: Ţ P	1' 2' 3' he resit ossibly	24 14 Totals: dual nitra marginal <b>Immob</b>	49 195 tes are Sodiu ile Nutr	moderat m is favo rients () <u>Mn</u>	e. Ammo prably lov	onium is in ver. Chemica	ni Dat	a <u>EC m</u>		<u>m</u> _		1.25 le boron	

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

CONSULTANTS	1		Web: agrirtg	Laim			F	Fert	ilit	VR	epo	ort	
George DeF	uvter a	Son	(Y281)	)				0769.05				0.959	F13-056
Field: GDS	S. 30 State		. (		cres:	135.6		San	uple D	ate:	10/14/2	2013	757
Crop: Tritic		ne Corr	2	33	100.0	: Center pivot			ous C		2013 T	riticale-Sil	age com
Crop. That		90 000	8		'igunon	, ound proc		Curi	ent C	rop:	2014 T	inticale-Sil	age com
Soil series:	Ward	en silt k	am		Leach	Hazard: Low		No	o. of S	ites:	30		
Topography:	Gently	divide	d sloping				Avg S				3.0		
Restrictive lay	er? Y	Wher	e? Some	rocks,	mainly in	the NW corner		-	31.5				
ALCOH PETITE IMP													
	39.11	Type	Scatte	ared cult	tivation st	rips.							
Residue Incor Comments: §	p? N	1.1.1.1				rips. nt weed cover.	Corn	stalk s	ize wa	as non	mal. So	oil surfac	e was
Residue Incor Comments: §	p? N Sampled	a three	foot field	compo		nt weed cover.							
Residue Incor, Comments: 5	p? N Sampled	a three	foot field	compo	site. Ligi	t weed cover.					100g)		Data
Residue Incor, Comments: 5	p? N Sampled Iry.	a three	foot field Mobile N	compo Iutrien	site. Ligi ts (Ibs/a <u>SO 4</u>	nt weed cover.	Solub	ole Ba	ses (I	meq/	100g)	Other VolWt	Data %AW
Residue Incor Comments: 5 Sample Area	p? N Sampled Iry.	a three	foot field Mobile N	compo lutrien <u>NH 4</u>	site. Ligi ts (Ibs/a <u>SO 4</u>	t weed cover.	Solub <u>Mg</u>	le Ba	ses (I	meq/ T.B.	100g) CEC	Other VolWt	Data %AW 90% 85%

Comments: The residual nitrates are excessive. Ammonium is in equilibrium. Sulfur and boron are very high. Sodium is slightly to moderately elevated.

		Imn	nobile	Nuti	rients	(ppi	m)	Chemica	I Data			
Sample Area	Depth	P	ward K	Zn	Mn	Fe	Си	О.М.	pН	EC mmhos/cm	Eff/Calc.	
Field Composite	1'	398	2650	13.5	2.9	31	2.8	3.3%	7.8	2.34	Yes	

1774

7

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

Contraction of the second of the second	<b>_</b>		Web: agring	gloom				Fer	tilit	y R	epo	ort	
George DeF	Ruyter &	& Sons	(Y281	)									F13-054
Field: GDS	S-SU-07		10000 - 10090 C.C		cres:	76.6		Sa	nple D	ate:	10/9/2	013	757
Crop: Alfal	fa			1	rrigation	Center p	ivot	Prev	ious C rent C	rop:	2013 / 2014 /	13103	
Soil series:	Ward	en silt lo	am		Leach	Hazard:	Low	N	o. of S.	ites:	30		
Topography:	Gently	undula	ting.		23233933		A	g Sampl			2.6		
Restrictive lay	10		50T0 - 65	s in scat	tered site	s.			184				
Residue Incor	10 1993												
- D1										2 22	1.00		181
Comments: §	Sampled	a three	foot field	compo	site. Har	vested rec	ently.	Alfalfa at	2-3" tai	l with	a 50%	canopy	overall.
Comments: §	Sampled				ts (Ibs/a		<u> </u>	Alfalfa at Muble Ba					
	Sampled Depth	1			ts (lbs/a	ec) Exc	h. / So				100g)		Data
Sample Area	2014000 12 12 22	ppm	fobile l	Vutrien	ts (lbs/a	B	h./So Ca M	luble Ba	ises (r	neq/	100g)	Other VolWt	Data %AW 78%
Sample Area Field Composite	Depth 1' 2'	ppm M NQ 3	NO 3	Vutrien	ts (lbs/4 <u>SO 4</u>	B	h./So Ca M	oluble Ba Ag K	nses (n Na	neq/ T.B.	100g) CEC	Other VolWt	Data %AW 5 78% 5 82%
Comments: § Sample Area Field Composite Field Composite Field Composite	Depth 1'	ppm <u>NO</u> 3 31	<b>NO</b> 3 104	Vutrien	ts (lbs/4 <u>SO 4</u>	B	h./So Ca M	oluble Ba Ag K	nses (n Na	neq/ T.B.	100g) CEC	Other VolWt	Data %AW 5 78% 5 82%
Sample Area Field Composite Field Composite Field Composite	Depth 1' 2' 3'	ppm NO 3 31 74 76 Totals: nitrates	10bile 1 <u>NO 3</u> 104 252 257 613	Nutrien <u>NH</u> 5	ts (lbs/4 <u>SO 4</u> 286 286	$\frac{B}{5.1} = \frac{1}{18}$	h. / So Ca <u>N</u> 190 4	Nuble Ba Mg <u>K</u> 00 1.94	nses (n <u>Na</u> 0.72	neq/ T.B. 26.56	100g) <u>CEC</u> 16.1	Other VolWt 1.2 1.2 1.2	Data %AW 5 78% 5 82% 5 74%
Sample Area Field Composite Field Composite Field Composite Comments: F	Depth 1' 2' 3' Residual lightly el	ppm NO 3 31 74 76 Totals: nitrates	100 10 10 <u>NO 3</u> 104 252 257 613 are high	Nutrien <u>NH 4</u> 5 5	ts (Ibs/4 <u>SO</u> 286 286 onium is i	B 5.1 5.1 5.1	h. / So <u>Ca</u> <u>N</u> 190 4	luble Ba	nses (n <u>Na</u> 0.72	neq/ T.B. 26.56	100g) <u>CEC</u> 16.1	Other VolWt 1.2 1.2 1.2	Data %AW 5 78% 5 82% 5 74%
Sample Area Field Composite Field Composite Field Composite	Depth 1' 2' 3' Residual lightly el	ppm NO 3 31 74 76 Totals: nitrates evated.	1000 100 100 100 100 100 100 100 100 10	Nutrien <u>NH 4</u> 5 1. Amm rients (	ts (Ibs/4 <u>SO</u> 286 286 onium is i	<b>B</b> 5.1 18 5.1 n equilibriu	h. / So <u>Ca</u> <u>N</u> 190 4	luble Ba	nses (n <u>Na</u> 0.72	neq/ <u>T.B.</u> 26.56	100g) <u>CEC</u> 16.1	Other	Data %AW 5 78% 5 82% 5 74%

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

	1	Immo	bile Nuti	rients (	(ppm)	Chemic	al Dat	a					
		154 - E	5			an a		5 				-	
	Residual elevated		s are high	n. Amm	ionium is	in equilibri	um. Su	ilfur and b	oron a	ire higi	h. Sod	ium is s	lightly
		Totals:	786	5	384	6.2							
Field Composite	3'	102	348			111223						1.28	5 70%
Field Composite	2'	82	277									1.25	5 75%
Field Composite	1'	47	161	5	384	6.2 1	7.00 4	.30 3.38	0.70	25.38	17.4	1.2	65%
Sample Area	Depth	NO;	NO,	NH 4	SO .	B	Ca M	lg K	Na	T.B.	CEC	VolWt	%AW
		ppm	Mobile I	Vutrien	ts (lbs/	ac) Exc	h. / Sc	luble Ba	ses (I	neq/:	100g)	Other	Data
						the surface		anaoo ary	ocan		ginteri		o nood.
	1.11		3			st harvest.		uface dru	Scatt	ered li	abt to r	noderat	e weed
Residue Inco.	1000					ks and we		2					
Restrictive la	1. 1999	200 C 100 C 100 C	0003	ered mo	derately	compacted				115 U.S. 10.			
Topography:	Gentl	v undul	ating		1222201	12200586230	A	vg Sampl	60.00 CC		2.7		
Soil series:	Ward	en silt	loam		Leach	Hazard:	Low	N	o. of S	ites:	32		
2540102625								Cur	rent C	rop:	2014 T	riticale-Si	lage com
Crop: Triti	icale-Sila	ge Con	n	1	rrigation	: Center ;	pivot	Prev	ious C	rop:	2013 T	riticale-Si	lage corn
Field: GD	S-SU-06			1	Acres:	84.5		Sa	nple D	ate:	10/16/2	2013	79401 
George Del		& Son	s (Y281	)									F13-05
								101		,	cpu		
	-		Wab: agrim	gtoom				For	+III+	VP	eno	rt	
			Wab: agrin	gtoom				Fer	tilit	VR	epo	rt	

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soll Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

	<u>4</u> ;		Web: agring	Fax: (509) ( Loom					Fert	ilit	y R	epo	rt	
George DeR	uvter á	Sons	(Y281	e i					2 534					F13-060
Fleid: GDS			·		cres:	16	5.5		Sar	nple D	ate	10/17/2	013	757
		l Marazann							2.538	ious C				age com
Crop: Tritic	ale-Sila	ge Com		Б	rigation	I: Ce	nter pivo			rent C			iticale-Sil	12
Soil series:	Ward	en silt loa	am		Leach	Haz	ard: Low		N	o. of S	ites:	30		
Topography:	Gentl	e undulat	tion, sou	th slope					Sampli			2.6		
Restrictive lay			? Hard			bout 2	24"		Campi			0000		
Residue Incor	122 122		Corn		0.0202424		100							
						2724	<u></u>		123322310	0.0320	4078		21111188	7:20405
		ed throug	ghout th	e field.	Some si	mut b	liks were odies on	the re	maining	stalk	s. Salt	s on the	e soil su	irface.
		ppm M	lobile N	lutrien	ts (ibs/	ac)	Exch.	Solu	uble Ba	ses (I	meq/:	100g)	Other	Data
Sample Area	Depth	NO,	NO 3	NH .	SO .	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW
Field Composite	1'	161	549	4	755	9.2	17.10	5.00	7.63	1.27	31.00	17.6	1.25	77%
Field Composite	2	161	546										1.25	
Field Composite	3	139	472										1.25	74%
		Totals:	1567	4	755	9.2								
Commenter 7		aly elevat		lign. Ar	nmoniur	n is ir	n equilibri				onare	nign. c		
0.		Immobi	le Nutr	ients (	ppm)	Ch	emical	Data						
ŕ		Immobi P <sup>P(wa)</sup> I	lle Nutr K Zn	1000	ppm) Fe Cu	Ch		Data oH	EC mm	hos/c	m 1	Eff/Calc		
		<u>44.03</u> 1595	K Zn	Mn I		Ch		1000	EC mn			Eff/Calc /es	2	
Sample Area Field Composite Comments:	Depth 1'	P <sup>P(wod)</sup> 1 243 297	K Zn 6 13.7 Zn are	Mn 22	Fe <u>Cu</u> 25 4.0 h. Mn is	s low,	0.M. 3.4% while Fe	<b>pH</b> 7.7	1.5	33	- ī	/es	55 0.0004	high. S
Sample Area Field Composite Comments:	Depth 1' The soil I oH is alk	P <sup>P(word)</sup> 1 243 297 P, K, and	K Zn 6 13.7 Zn are 1 salts ar	Mn 22	Fe <u>Cu</u> 25 4.0 h. Mn is	s low,	0.M. 3.4% while Fe	<b>pH</b> 7.7	1.5	33	- ī	/es	55 0.0004	high. S
Sample Area Field Composite Comments:	Depth 1' The soil I oH is alk	P <sup>P(wod)</sup> 1 243 297 P, K, and aline and	K Zn 6 13.7 IZn are I salts ar	Mn 22	Fe Cu 25 4.0 h. Mn is rately ele	s low, evate	0.M. 3.4% while Fe	p <u>H</u> 7.7 and (	1. Cu are s	33 ufficie	- ī	/es	55 0.0004	high. S

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

	1		Web: agring	toon					-			10000	100	
									-ert	int	y R	epo	nrt.	
George DeR	uyter a	& Sons	(Y281	)										F13-053
Field: GDS	-SU-05			A	cres:	1	00.6		San	aple D	ate:	10/9/20	13	757
Crop: Tritic	ale-Sila	ge Corn		I	rigatio	n: C	enter pivot		Previ	ous C	rop:	2013 T	rtticale-Sil	lage Com
	8						12		Curi	rent C	rop:	2014 T	riticale-Sil	lage Com
Soil series:	Ward	en silt lo	am		Leac	h Ha	zard: Low		No	o. of S	ites:	30		
Topography:	Gently	y to mod	ierately u	Indulatin	ıg.			Avg S	Sampli	81.7726		2.4		
Restrictive lay	er? Y	Wher	? Rocks	through	nout at a	scatt	ered sites.							
Residue Incor	p? N	Type?	Light	stalks, p	artly dis	ked	in early fall.							
Comments: S	ampled	a three	foot field	compo	site. Th	iere h	had been m	odera	te to h	eavy v	veeds	in this f	ield.	
	14111201414	ppm 1	Mobile N	lutrien	ts (Ibs,	/ac)	Exch. /	Solut	)e Ba	ses (I	meq/	100g)	Other	Data
Sample Area	Depth	NO 3	NO 3	NH 4	SO .	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW
Field Composite	1'	263	894	4	972	12.3	17.10	5.10	7.62	1.45	31.27	17.4	1.25	74%
Fleid Composite	2'	254	864										1.25	10 1000
		1000	894										1.25	81%
Fleid Composite	3.	263 Totals:	2652		972	12.3								

Comments: Residual nitrates are excessive. Ammonium is in equilibrium. Sulfur and boron are very high. Sodium is moderately elevated.

		Imm	nobile	Nuti	ients	(ppi	m)	Chemica	I Data	1	
Sample Area	Depth	P*	***) K	Zn	Mn	Fe	Cu	O.M.	pH	EC mmhos/cm	Eff/Calc.
Field Composite	1'	529	2970	12.8	2.1	17.1	2.6	1.6%	7.7	3.56	Yes

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

CONSULTANTS		Yakima, WA 98	Web agrim	Pas: (509) 5 gLoom		State of	11110	F	ert	ilit	y R	ep	ort	
George DeR	uyter 8	Sons	(Y281	)							82	223		F13-0561
Field: GDS	1.5 0 0 0 0 0		A.W.200 (1999)		cres:	34.6			San	nple L	ate:	10/14	/2013	7577
Crop: Tritic	ale-Silar	e Com		h	rigation:	Center	Pivo	2		ous C		2013	Alfalfa	
crop.		8							Cur	rent C	rop:	2014	Triticale-S	ilage Com
Soil series:	Warde	en silt loa	m		Leach I	Hazard:	Low	li.	N	o. of S	ites:	30		
Copography:	Split b	y swale,	gently a	undulatin	1g			Avg S	ampli	ng De	pth:	2.9		
Restrictive laye	7? Y	Where	? Some	rocks a	nd hard p	an.								
Residue Incorp	? N	Type?	Light	to mode	rate crown	ns.								
al	falfa was	s at 1-3"	tall. Th	ne soil su	site. The urface was /ith grassy	s dry. W	/eeds	pling de were r	epth w minima	as at al, son	34". At ne dan	the ti delior	me of sa 1. The so	mpling th oil was ve
u					- /11- /-	-1	ch /	Saluh	le Ra	ene la	ment	1000	) Other	Data
G		ppm M	obile l	Vutrien	cs (IDS/a	C) EX	cn. /	30100	No De	ses (	meq/	Loog,	/ Jourier	Dute
Sample Area	Depth	ppm M	NO 3	NH 4	Construction of the	B	Ca	Mg	K	Na	T.B.		C VolWt	

Comments: Residual nitrates are moderate to high. Ammonium is at equilibrium. Sulfur and boron are plenty high. Sodium is only slightly elevated.

4.3

2'

3'

Field Composite

Field Composite

28

27

Totals:

96

92

272

3

160

		Immo	bile	Nutr	ients	(ppr	n)	Chemica	l Data	,	
Sample Area	Depth	P Piece	K	Zn	Mn	Fe	Cu	O.M.	pH	EC mmhos/cm	Eff/Calc.
Field Composite	1'	150	800	8.5	2.5	26	2.0	2.4%	7.5	1.05	Yes
Comments: T	he soil	PKa	nd Z	n are	plenty	hiah	Mn	is low, while	Fear	nd Cu are adequate.	Organic matter is

Comments: The soil P, K, and Zn are plenty high. Mn is low, while Fe and Cu are adequate. Organic matter is above average. The soil pH is moderately alkaline, while salts are slightly elevated.

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

1.25

1.25 50%

40%

	-1		Web: agring	p.com				ŀ	ert	ilit	y R	epo	ort	
George DeF	Ruyter &	& Sons	(Y281	)										F13-056
Field: GDS	S-SU-10			A	cres:	38.5			San	nple L	Date:	10/15/	2013	757
Crop: Alfal	fa			7	rigation.	- Cent	er nivot		Previ	ious C	rop:	2013	Triticale-S	lage com
Crop: And					rigation	, ocin	or priver			rent C		2014	Alfalfa	
Soil series:	Ward	en silt lo	am		Leach	Hazar	d: Low		N	o. of S	ites:	25		
Topography:	Gentle	y undula	ating			e-0.087986		Avg S		2 . T		3.0		
Restrictive lay	er? Y	When	e? Scatte	ared con	npacted z	ones a	at 26-36							
				576 ANO 181	rate resid			,	10.000					
Residue Incor	889	Type?		to mode	Ture reere									
Comments: 5		a three	foot field	l compo	eita Poe	t hanve	et Vor	v light	eratte	neri ea	its on	the su	face	iaht to
		weeds	. Genera	ally good	site. Pos I stalk dia ts (Ibs/a	meter.				2_1122			-	
r	noderate	weeds	. Genera Mobile I	ally good N <i>utrien</i>	i stalk dia <b>ts (Ibs/a</b>	imeter. ac)	•			2_1122		100g)	-	Data
r Sample Area		weeds	. Genera	ally good	i stalk dia <b>ts (Ibs/a</b>	meter.	Exch. /			ses (I	meq/	100g)	Other	Data %AW
r <i>Sample Area</i> Field Composite	noderate	ppm <u>NO</u> ,	. Genera Mobile I NO 3	NH 4	ts (Ibs/a	ameter. ac) B	Exch. /	Solut Mg	le Ba K	ses (I	meq/. <u>T.B.</u>	100g)	Other VolWt	Data %AW 5 75%
r Sample Area Field Composite Field Composite	noderate	ppm NO 49	. Generation Generation Mobile I	NH 4	ts (Ibs/a	ameter. ac) B	Exch. /	Solut Mg	le Ba K	ses (I	meq/. <u>T.B.</u>	100g)	Other C VolWt 1.2	Data %AW 5 75% 5 74%
r Sample Area Field Composite Field Composite	noderate	weeds <i>ppm</i> <u>NO</u> 49 38	. Genera Mobile / NO ; 167 128	NH 4	ts (Ibs/a	ameter. ac) B	Exch. /	Solut Mg	le Ba K	ses (I	meq/. <u>T.B.</u>	100g)	Other C VolWt 1.2 1.2	Data %AW 5 75% 5 74%
Field Composite Field Composite Field Composite Field Composite	noderate <u>Depth</u> 1 <sup>1</sup> 2 3 <sup>1</sup> 3 <sup>1</sup>	ppm NO , 49 38 22 Totals:	. General Mobile / NO 3 167 128 74 369	Ally good Nutrien NH 4 2 2 high. Ar	stalk dia ts (Ibs/a <u>SO 4</u> 153	2.2	Exch. / <u>Ca</u> 19.80	Solut <u>Mg</u> 3.00	nie Ba <u>K</u> 1.85	ses (1 <u>Na</u> 0.69	<b>T.B.</b> 25.34	100g) <u>CE</u> C	Other 1.2 1.2 1.2	Data %AW 5 75% 5 74% 5 72%
Field Composite Field Composite Field Composite Field Composite	noderate <u>Depth</u> 1' 2' 3' The resid Sodium is	ppm <u>NO</u> 38 22 Totals: Jual nitra s slighth	. General Mobile I <u>NO 3</u> 167 128 74 369 ates are	Ally good Nutrien NH 4 2 2 high. Ar	d stalk dia <i>ts (Ibs/a</i> <u>SO 4</u> 153 153 nmonium	B 2.2 i is in e	Exch. / <u>Ca</u> 19.80	Solut <u>Mg</u> 3.00	nie Ba <u>K</u> 1.85	ses (1 <u>Na</u> 0.69	<b>T.B.</b> 25.34	100g) <u>CE</u> C	Other 1.2 1.2 1.2	Data %AW 5 75% 5 74% 5 72%
Field Composite Field Composite Field Composite Field Composite	noderate <u>Depth</u> 1' 2' 3' The resid Sodium is	ppm <u>NO</u> 3 49 38 22 Totals: lual nitra s slightly	. Generi Mobile I <u>NO 3</u> 167 128 74 369 ates are l y elevate	Ally good Nutrien <u>NH 4</u> 2 high. Ar d.	d stalk dia <i>ts (Ibs/a</i> <u>SO 4</u> 153 153 nmonium	B 2.2 2.2 is in e	Exch. / <u>Ca</u> 19.80 equilibriu	Solut <u>Mg</u> 3.00 um. Su Data	nie Ba <u>K</u> 1.85	ses (/ <u>Na</u> 0.69	<b>T.B.</b> 25.34	100g) <u>CE</u> C	C VolWt 1.2 1.2 1.2 0ron is s	Data %AW 5 75% 5 74% 5 72%

Comments: The soil P, K, and Zn are plenty high. Mn and Fe are low, while Cu is sufficient. Organic matter is above average. Soil pH is moderately alkaline, while salts are favorably lower.

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

CONSULTANTS	_		Web, agrins	gLoom					Fer	tilit	y R	epo	ort	
George Def	Ruyter	& Sons	(Y281	)										F13-05
Field: GDS	S-SU-11			a	Acres		8.1		Sa	mple 1	Date:	10/16/2	2013	75
Crop: Alfa	lfa				Irriga	tion:	Wheel lin	e		ious C rent C	1000	2013 1 2014 /	friticale-Si Vifalfa	udan gras
Soil series:	Ward	en silt lo	am		L	each	Hazard: L	WO.		o. of S	Sites:	18		
Topography:					900	000505			g Samp	Sec. 40		2.7		
Restrictive lay	er? Y	Whee	2 Scatt	ered an	eas of	fmod	derately to					97483 m	0-36" ra	nae
Residue Incor	- 20 - 21 - E	54 54	57263239	Sudan			ionatory to	- grinte	and out	- Carte				
		1000					t harvest.	Alfalfa	planted.	Scatte	ered ar	eas of	light salt	s on th
Comments:		a three		d comp	osite.	Post			planted. Juble B		-0.2555		-785.000	
Comments: ;	Sampled	a three	foot fiek	d comp Nutrie	osite. nts (l	Post	ic) Exch	. / So	Marca (1999)		-0.2555	100g)	-785.000	Data
Comments: ( Sample Area	Sampled surface.	a three	foot fiek <i>Hobile i</i>	d comp	osite. nts (l	Post	nc) Exch	. / So Ca _ M	luble B	ises (	meq/	100g)	Other	Data %AW
Comments: s	Sampled surface.	a three	foot field	d comp Nutrie <u>NH 4</u>	osite. nts (/ SC	Post	nc) Exch B (	. / So Ca _ M	luble B Ig K	ses ( Na	meq/ T.B.	100g)	Other VolWt	Data %AW 70%
Comments:	Sampled surface. <u>Depth</u>	a three	foot field Mobile I <u>NO 3</u> 132	d comp Nutrie <u>NH 4</u>	osite. nts (/ SC	Post	nc) Exch B (	. / So Ca _ M	luble B Ig K	ses ( Na	meq/ T.B.	100g)	Other VolWt	Data %AW 70% 5 75%
Comments:	Sampled surface. <u>Depth</u> 1' 2'	a three ppm 7 <u>NO</u> ; 39 38	foot field <b>NO 3</b> 132 129	d comp Nutrie <u>NH 4</u>	osite. nts (/ SC	Post Ibs/a	nc) Exch B (	. / So Ca _ M	luble B Ig K	ses ( Na	meq/ T.B.	100g)	Other VolWt 1.20	Data %AW 70% 5 75%
Comments:	Sampled surface. <u>Depth</u> 1' 2' 3' Residual slightly el	a three ppm 7 <u>NO</u> , 39 38 31 Totals: nitrates evated.	foot field <b>NO 3</b> 132 129 104 365 are high	d comp Nutrie <u>NH 4</u> 9 8 n. Amn	osite. nts (/ SO 110 110 110	Post 1 <b>bs/a</b> 0 4 6 m is in	nc) Exch <u>B</u> ( 3.6 17. 3.6 n equilibriu	n. / So Ca <u>M</u> 80 4. m. Su	<i>luble B.</i> <i>1g <u>K</u> 2.32 Ifur and I</i>	ases ( <u>Na</u> 0.54	meq/ <u>T.B.</u> 24.66	100g) <u>CEC</u>	Other VolWt 1.20 1.20	Data %AW 5 70% 5 75% 5 80%
Comments:	Sampled surface. <u>Depth</u> 1' 2' 3' Residual slightly e	a three ppm / <u>NO</u> , 39 38 31 Totals: nitrates evated. Immob	foot field <b>NO 3</b> 132 129 104 365 are high <i>ile Nut</i> o	d comp Nutrien <u>NH 4</u> 9 8 n. Amn <i>rients</i>	osite. nts (/ SC 110 110 110 (ppm	Post 1bs/a 0 4 6 m is in 1)	B     C       3.6     17.       3.6     Chemica	n. / So Ca <u>M</u> 80 4. m. Su n/ Data	<i>luble B.</i> <i>1g <u>K</u> 00 2.32 Ifur and I</i>	ases ( <u>Na</u> 0.54	<b><i>T.B.</i></b> 24.68	100g) <u>CEC</u> nty higi	Other 128 128 128	Data %AW 5 70% 5 75% 5 80%
Comments:	Sampled surface. <u>Depth</u> 1' 2' 3' Residual slightly el	a three ppm 7 NO , 39 38 31 Totals: nitrates evated.	foot field Mobile 1 132 129 104 365 are high ile Nuto K Zn	d comp Nutrie <u>NH 4</u> 9 8 n. Amn	osite. nts (/ SC 110 110 110 (ppm	Post 1 <b>bs/a</b> 0 4 6 m is in	nc) Exch <u>B</u> ( 3.6 17. 3.6 n equilibriu	n. / So Ca <u>M</u> 80 4. m. Su	<i>luble B.</i> <i>1g <u>K</u> 00 2.32 Ifur and I <i>EC mu</i></i>	ases ( <u>Na</u> 0.54	meq/ <u>T.B.</u> 24.66 are ple	100g) <u>CEC</u>	Other 128 128 128	Data %AW 5 70% 5 75% 5 80%

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

AGRICULTURAL GONSULTANTS			Web: agrim	yt.com					Fert	liit	VP	enc	ort	
									ren		<b>y</b> n	epu		
George DeR	Ruyter a	& Son	s (Y281	)										F13-05
Field: GDS	S-SU-12			1	Acres:	40	5		San	nple L	Date:	10/7/20	013	10
Crop: Tritic	cale-Sila	ae Con	n	1	rrigatio	on: Ril	ř.		Prev	ious C	rop:	2013 T	riticale-Sil	age com
crop.									Cur	rent C	rop:	2014 T	riticale-SII	age com
Soil series:	Ward	en silt l	oam		Lea	ch Haz	ard: Lo	W	N	o. of S	ites:	25		
Topography:	Very	entie t	o gentie s	S-SW s	lope			AV	sampli	ing De	pth:	2.8		
Restrictive lay	er? Y	Whe	e? Com	acted s	soil and	rocks i	n scatte	100000	AUG23 - 604					
Residue Incor		Type	? Light	stalks.										
Commantes C	Same In d	a three	foot field			Stalk dia	meter i	s gene	erally oka	y. So	me sn	nall wee	ed patche	85.
			in the We	st Half.										
				1012		s/ac)	Exch.	/ Sol	uble Ba	ses (	meq/	100g)	Other	Data
c		lanted	in the We	1012	nts (Ibs		Exch. Ci			ses ( Na	meq/ T.B.		Other VolWt	
C Sample Area Field Composite	Depth	ppm	in the We Mobile I NO 3 570	Nutrier	nts (Ibs			a M	g K				VolWt 1.25	%AW 80%
C Sample Area Field Composite Field Composite	Depth	ppm <u>NO</u> 3 168 125	in the We Mobile I <u>NO 3</u> 570 426	Nutrier NH 4	so ,	B	G	a M	g K	Na	T.B.	CEC	VolW1 1.25 1.25	%AW 80% 88%
C Sample Area Field Composite Field Composite	Depth	ppm <u>NO</u> 3 168	in the We Mobile I NO 3 570	Nutrier NH 4	so ,	B	G	a M	g K	Na	T.B.	CEC	VolWt 1.25	%AW 80% 88%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth Depth 1' 2' 3'	Inted	in the We Mobile I <u>NO 3</u> 570 426 322	Nutrier <u>NH 4</u> 9 8 high. A	670	<u>B</u> 3.0	<u>C</u> 21.3	a <u>M</u> 0 43	<b>g K</b> 1.73	Na 0.59	<i>T.B.</i> 27.82	CEC 16.1	VolWt 1.25 1.25 1.25	%AW 80% 88% 95%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth 2 3' The resic Sodium i	Inted	in the We <b>Mobile 1</b> <u>NO 3</u> 570 426 322 1318 rates are	Nutrier <u>NH 4</u> 9 8 high. A avated.	nts ( <i>Ibs</i> <u>SO 4</u> 670 670	<u>B</u> 3.0 3.0 um is ir	<u>C</u> 21.3	a <u>M</u> 0 43	<u>g</u> <u>K</u> 1.73 Sulfur is	Na 0.59	<i>T.B.</i> 27.82	CEC 16.1	VolWt 1.25 1.25 1.25	%AW 80% 88% 95%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth 1' 2' 3' Fhe resid Sodium i	Inted	In the We Mobile I NO 3 570 426 322 1318 rates are slightly ele	Nutrier <u>NH 4</u> 9 8 high. A avated.	nts ( <i>Ibs</i> <u>SO 4</u> 670 670	3.0 3.0 Um is ir	21.3	a <u>M</u> 0 43	<u>g</u> <u>K</u> 1.73 Sulfur is	<u>Na</u> 0.59	<u>T.B.</u> 27.82	CEC 16.1	VolWt 125 125 125 sufficie	%AW 80% 88% 95%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth 1' 2' 3' The resk Sodium i	International In	in the We Mobile I 570 426 322 1318 ates are slightly ele	Nutrien <u>NH d</u> 9 8 high. A svated.	nts (Ibs 50 4 670 670 (ppm) Fe C	3.0 3.0 Um is ir	Cl 21.3 n equilib	a <u>M</u> 0 43 rium.	<u>g</u> <u>K</u> 20 1.73 Sulfur is <u>EC mn</u>	<u>Na</u> 0.59	<b><i>T.B.</i></b> 27.82 while t	CEC 16.1	VolWt 125 125 125 sufficie	%AW 80% 88% 95%

Comments: Given the scattered soil compaction, it is recommended that you could do some ripping. Ripping is best done when the soil profile is slightly moist (as post harvest in the fall).

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

### Attachment 4:

## WSDA Public Records Request January 2022



WA Department of Agriculture Public Records Request about a month ago R002625-110621 I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges." Status : No Records Exist

🛔 Mrs. Jean Mendoza

#### Dear Mrs. Jean Mendoza.

The Washington State Department of Agriculture received a public records request from you on November 06, 2021. Your request mentioned:

#### "Dear Public Records Officer:

Pursuant to the WA State Public Records Act RCW §§ 42.56.001 to 42.56.904. I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges."

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. If WSDA contends that any responsive material is exempt from disclosure, please provide a redaction log containing a description of each redaction or document withheld, the statutory basis for each redaction or withholding, and an explanation sufficient for us to ascertain the applicability of each claimed exemption (e.g. a summary of the document's contents, the date of its creation, the parties who participated in drafting it, the parties to whom it was disseminated, etc.). RCW § 42.56.210(3): WAC 44-14-04004(4)(b)(ii): PAWS v. Univ. of Wash., 125 Wn.2d 243, 270-71 (1994).

If the cost would be greater than \$50.00, please notify me. Please provide a receipt indicating the charges for each document.

As provided by the open records law, I will expect your response within five (5) business days of the date of this request. RCW § 42.56.520.

Thank you for your assistance."

We have searched the department's records and found no records which respond to your request.

This completes my response. I have closed this request,

If you have any questions, please feel free to contact me at 360-902-1935.

Sincerely,

Pamela Potwin Public Records Officer 360-902-1935

# WA Ecology Public Records Request January 2022

### P008198-110621

Dear Public Records Officer: Pursuant to the WA State Public Records Act RCW §§ 42.56.001 to 42.56.904, I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used

singularly or in combination, prevent or reduce pollutant discharges." If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. If Ecology contends that any responsive material is exempt from disclosure, please provide a redaction log containing a description of each redaction or document withheld, the statutory basis for each redaction or withholding, and an explanation sufficient for us to ascertain the applicability of each claimed exemption (e.g. a summary of the document's contents, the date of its creation, the parties who participated in drafting it, the parties to whom it was disseminated, etc.). RCW § 42.56.210(3); WAC 44-14-04004(4)(b)(ii); PAWS v. Univ. of Wash., 125 Wn.2d 243, 270-71 (1994). If the cost would be greater than \$50.00, please notify me. Please provide a receipt indicating the charges for each document. As provided by the open records law, I will expect your response within five (5) business days of the date of this request. RCW § 42.56.520. Thank you for your assistance.

Status : No Responsive Records

From: Hoff, Christy Curwick (DOH) Sent: 5/2/2022 7:08:11 AM To: DOH WSBOH Cc: Subject: FW: Board Decision on Covid-19 vaccines

From: Janet Young <antiejan@gmail.com> Sent: Friday, April 29, 2022 11:38 AM To: Hoff, Christy Curwick (DOH) <Christy.Hoff@sboh.wa.gov> Subject: Board Decision on Covid-19 vaccines

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely,

Janet M. Young

Maple Valley, WA

April 29, 2022

From: Carole Schuh Sent: 4/26/2022 10:15:07 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals Memo

## External Email

As a member and representative of Back Country Horsemen of Washington, I am requesting the draft proposal of the keeping of animals be postponed from June's hearing. I suggested a work group/task force of stakeholders will be allowed to convene and sort out the concerns prior to the hearing.

Thank you ~ Carole Schuh 2551 Drummond Rd Mesa, WA 99343 From: Tera Tagliabue Sent: 6/3/2022 11:57:17 AM To: DOH WSBOH Cc: Subject: No to COVID shots for school

External Email

Dear BoH,

I know you are not currently discussing adding COVID shots to the list of school immunization requirements, but I know you may consider it again. I therefore want to restate my strong opposition to EVER requiring COVID shots for participation in school or daycare.

It is widely evident that the shot is ineffective at protecting from infection or transmission of the coronavirus. Whereas the evidence continues to mount that there are huge safety concerns related to the shots. Children are at minimal risk of adverse reactions from the coronavirus whereas they have an increased risk of adverse effects from the shot, and each booster would further exacerbate that risk.

The shot is not safe or effective and the risk for children far exceeds the possible benefit. Therefore please do not consider adding the COVID shots to school and daycare immunization requirements.

Citizens of WA state are watching. Also Do not attempt to mandate a small pox shot or a monkey pox shot or any other shot that is rapidly developed and deployed without adequate safety data.

Thank you, Tera Tagliabue

Sent from my iPhone

From: happydog023@centurylink.net Sent: 4/23/2022 11:19:30 AM To: DOH WSBOH Cc: Subject: Illinois based program SHIELD

## External Email

Hello,

I am deeply concerned regarding the Illinois based program called SHIELD. It is an invasive program of testing, tracking, and restriction of God given natural rights afforded to us and ensured by our Constitution, Bill of Rights, and the Declaration of Independence. It requires millions of dollars being invested in labs and mobile units, another divestiture of taxpayer dollars into the biosecurity industry. This cannot be implemented in our state. It is a thinly veiled "healthcare" program that redistributes wealth and exert total control over the population. We the people do not comply or consent to this.

Please familiarize yourselves with this and reject it soundly.

Thank you,

Donna Moore

From: Garry Blankenship Sent: 4/20/2022 9:46:03 AM To: hcinfo.infosc@canada.ca,DOH WSBOH,ombuds@oc.fda.gov,Van De Wege, Kevin,Pederson, Annika,mozias@co.clallam.wa.us,rjohnson@co.clallam.wa.us,shahidafatin@gmail.com,gbsjrmd@sisna.com,

Cc: Subject: COVID Management

External Email

Good Day,

Facts now show the health management recommended mRNA drugs are neither safe nor effective. Polar opposite to what health management espoused and mandated. The gravity of adverse reactions is terrible and compounding. Again the opposite of what health management espoused as safe. The infinitely superior protection of natural immunity is now unquestionable, but not acknowledged by health management. The absence of early treatment with safe and effective drugs was banned by health management. The use of health management implemented Remdesivir and respirators accelerated and manifested unnecessary death.

It is not my intent to be sarcastic. That said, the now known facts dictate that we / the public do not need health management protection from COVID. We need protection from health management. A horrible irony. Is there any way existing health management could correct this egregious incompetence ? A response would be sincerely appreciated.

Sincerely,

Garry Blankenship

From: Lyn Sent: 4/29/2022 4:13:11 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

External Email

Attn: Board Members

I urge you to delay or cancel the Draft Policy proposal scheduled for June 2022.

At a minimum, more time should be allotted to allow stakeholders to research this proposed rule.

Thank you.

Lynette Borcherding

From: Yvonne Fox Sent: 6/1/2022 10:42:43 AM To: DOH WSBOH Cc: Subject: Covid 19 shots for kids

External Email

No way should covid shots be added to the many kids are required to get before starting school. There is WAY too much information on these "vaccinations" being ineffective and causing all sorts of problems. All for a plandemic that you are contributing to by perpetuating the fear and promoting the hoax. DO YOUR JOBS and educate yourselves! (or is the money you're receiving too good to give up? not to mention the power you must feel!)

Signed,

ONE ANGRY MAMA

From: Glasoe, Stuart D (SBOH) Sent: 5/2/2022 8:36:06 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: CR 102 Domestic Animal Waste

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Jon Borcherding <jonreadsitall@protonmail.com> Sent: Sunday, May 1, 2022 3:28 PM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: CR 102 Domestic Animal Waste

External Email

The Washington State Board of Health has chosen a remarkably inopportune moment to address what is described as a long-standing issue.

With supply-chain problems and fertilizer shortages affecting the global food supply, many experts including the Biden Administration are predicting food shortages. The recent destruction of at least 12 major food production plants will likely also contribute to food shortages. The nation's railways are refusing shipment of nitrogen fertilizers during the current planting season. The FBI has just released a bulletin outlining the threat of cyber attacks against agricultural facilities. There is NO shortage of threats to America's food supply.

In addition to the looming specter of food scarcity is the alarming rate of inflation which disproportionately impacts the poor by making food more and more unaffordable.

In an effort to stave off shortages and hunger, many homeowners are engaging in small scale food production i.e., vegetable gardens, raising chickens, rabbits, pigs, goats, sheep, etc. Any new regulation that impedes the homestead production of vital food resources is bound to be met with fierce resistance.

In an era when we are experiencing global shortages of nitrogen fertilizers due to foreign conflict, it seems like a good time to review our attitudes about animal waste products and learn to treat them like the resource they are.

There are already laws on the books regarding proper animal husbandry and the Board would be well advised to address current problems within the existing framework. New rulemaking at this time is also bound to lead to increased cost to the taxpayer at a time when we are seeing record inflation.

Has the Board estimated the cost of enforcement of new proposals? Surely there is an

awareness that commissioned law officers and search warrants will be necessary to investigate the disposition of animal waste on private property?

Also at issue is the credibility of the Health Department. It is not reasonable to expect homeowners to accept heavy handed regulation of traditional food production activities on their private property, particularly at a time when homestead food production may be key to survival. One can easily imagine the erosion of respect resulting from any attempt to use government force to hinder necessary farming activity.

I strongly urge the Washington State Board of Health to delay the Draft Policy proposal scheduled for June 2022. I believe it is in the best interests of all citizens that a work group or task force is formed to study the concerns of all stakeholders and advise the Board prior to the drafting or adoption of any new rules regarding the keeping of animals.

Sincerely,

Jon M. Borcherding

Roy WA

Sent with ProtonMail <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprotonmail.com%2F&data=05%76 secure email.

From: B. D. Sent: 4/30/2022 7:51:48 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: PleaseDelay

External Email

We as Equestrians have many concerns in regards to recent ramrod proposals and how it affects us or may affect us. We respectfully please ask that the Draft Policy proposal be delayed to at least June and that a work group/task force is formed to vet out our concerns. Sincerely, Barbara & David Dorning BCHWA-Members

Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2FAAb9ysg&data=05%7 From: Barbara Connelly Sent: 4/19/2022 7:07:02 AM To: DOH WSBOH,DOH Secretary's Office Cc: Subject: Thank You for Listening to the Citizens of WA State

External Email

Dear BOH Members: Thank you for listening to the concerns of us as citizens of Washington State and for voting to adopt the TAG's recommendation to not add the COVID-19 vaccine to Washington's list of required immunizations for child care and school entry at your April 13 virtual public meeting. We are confident that the emerging scientific data will continue to affirm your decision. Thank you for your thoughtful consideration in your role to protect the health of the children in our State. respectfully, From: Janet Young Sent: 4/29/2022 11:15:42 AM To: Thai, Nathaniel J (SBOH) Cc: Subject: Board Decision on Covid-19 vaccines

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely, Janet M. Young Maple Valley, WA April 29, 2022 From: Nancy the Soul Dancer Sent: 5/5/2022 3:24:50 PM To: DOH WSBOH Subject: Covid Moderna Trial Data Predict 'Pandemic of the Vaccinated?



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External Email

Covid Moderna Trial Data Predict 'Pandemic of the Vaccinated?'

A new study based on Moderna's Phase 3 clinical trial data suggests recipients of Moderna's COVID-19 vaccine may be more likely to suffer repeated infections, perhaps indefinitely.

## Bу

Madhava Setty, M.D. <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fau setty-md%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7C11d0e2

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<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.twitter.com%2Fintent%2Ftw trial-data-pandemicvaccinated%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7

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A new study

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.medrxiv.org%2Fcontent%2F suggests recipients of Moderna's COVID-19 <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde vaccine may be more likely to suffer repeated infections, perhaps indefinitely. The study, still in preprint, found participants in Moderna's adult trial <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nejm.org%2Fdoi%2Ffull%2F who received the vaccine, and later were exposed to the virus, did not generate antibodies to a key component of the virus as often as did those in the placebo group.

The authors' findings, which are corroborated by U.K. data that demonstrate the rates of infection are significantly higher in the vaccinated, suggest Moderna knew of this safety signal in 2020 when the vaccine maker was conducting its trials.

The authors of "Anti-nucleocapsid antibodies following SARS-CoV-2 infection in the blinded phase of the mRNA-1273 Covid-19 vaccine efficacy clinical trial" wrote:

"Among participants with PCR-confirmed Covid-19 illness, seroconversion to anti-N Abs at a median follow up of 53 days post diagnosis occurred in 21/52 (40%) of the mRNA-1273 vaccine recipients vs. 605/648 (93%) of the placebo recipients (p < 0.001)."

Vaccinated participants in the trial who developed breakthrough COVID-19 — meaning they received a positive PCR test — mounted an antibody response to the nucleocapsid portion of the SARS-CoV-2 virus less often than did placebo recipients who tested positive for the virus.

The difference was statistically significant, leading the authors to conclude:

"Vaccination status should be considered when interpreting seroprevalence and seropositivity data based solely on anti-N Ab testing.

"As a marker of recent infection, anti-N Abs may have lower sensitivity in mRNA-1273vaccinated persons who become infected."

In other words, the authors found that using the presence of anti-nucleocapsid (anti-N) antibodies to determine whether a person was exposed to SARS-CoV-2 will miss some infections. Thus, the sensitivity of this kind of test, when applied to vaccinated individuals, is not ideal.

However, there are more important implications of these findings, as Igor Chudov <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Figorchudov.substack.com%2Fp%2knew-vaccinated-people-will%3Futm\_source%3D%252Fprofile%252F15579919-igor-chudov%26utm\_medium%3Dreader2%26s%3Dr&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c2and others

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fboriquagato.substack.com%2Fp% vaccine-failure-becomes-more-

and%3Fs%3Dr&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7 were quick to recognize.

Specifically, the study implies that the reduced ability of a vaccinated individual to produce antibodies to other portions of the virus may lead to a greater risk of future infections in the vaccinated compared to the unvaccinated.

1 Million Copies Sold — 'The Real Anthony Fauci' — The book that launched a movement. BUY TODAY! <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.amazon.com%2FReal-Anthony-Fauci-Democracy-Childrens%2Fdp%2F1510766804&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f44492330

It is important to note that this is not just another argument for the superiority of natural immunity

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde natural-immunity-trumps-vaccine-

immunity%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7(

Rather, this is evidence suggesting that even after a vaccinated person has a breakthrough

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde year-old-shawn-kuhn-fully-vaccinated-student-dies-

covid%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7C11c infection, that individual still does not acquire the same level of protection against subsequent exposures that an unvaccinated person acquires.

This is a troubling finding, and something investigators conducting the Moderna vaccine trial likely knew in 2020.

Let's establish some background facts:

\* Anti-nucleocapsid antibodies are antibodies specific to the nucleocapsid portion of the SARS-CoV-2 virus, the virus responsible for COVID-19.

\* One method of determining whether an individual has been exposed to the virus (recently or in the past) is by detecting antibodies specific to the virus in the person's serum.

\* Because those who have been vaccinated will, ostensibly, have anti-spike-protein antibodies, using anti-spike levels to diagnose prior or recent infection is impossible in those people.

However the presence of anti-nucleocapsid antibodies after exposure should, in theory, be unaffected by vaccination status.

\* Though the presence of an anti-N antibody is not necessarily indicative of immunity, having a broad set of antibodies to different components of the virus offers more robust protection than having antibodies to a single component, e.g. the spike protein. This is one reason natural immunity is superior to mRNA vaccine-mediated immunity.

\* The paper does not offer any new findings. Instead it presents an analysis of what should have already been known from Moderna's vaccine trial. <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nejm.org%2Fdoi%2Fpdf%2F">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nejm.org%2Fdoi%2Fpdf%2F</a>

Breakthrough infections result in N-antibody production less often than in primary infection

Moderna enrolled more than 30,000 subjects in its trial, randomizing them equally to the vaccine or placebo.

At the end of the initial observation period, 13 times more placebo recipients contracted COVID-19, allowing the investigators to boast a Vaccine Efficacy (VE) of 93.2%.

The U.S. Food and Drug Administration (FDA) subsequently authorized <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fda.gov%2Femergency-preparedness-and-response%2Fcoronavirus-disease-2019-covid-19%2Fspikevax-and-moderna-covid-19-">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fda.gov%2Femergency-preparedness-and-response%2Fcoronavirus-disease-2019-covid-19%2Fspikevax-and-moderna-covid-19-</a>

vaccine&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7C11d0e the vaccine for emergency use. The rest is history.

This recent study examined the presence or absence of anti-nucleocapsid antibodies in all trial participants who contracted COVID-19, based on a positive PCR test, during the trial period.

As stated earlier, the placebo recipients produced anti-N antibodies more than twice as often as their counterparts who were vaccinated. (Chudov offers a good explanation of the significance of anti-N antibodies here

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Figorchudov.substack.com%2Fp%2week-42-45-do-the-vaxxed-

acquire%3Fs%3Dw&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da6 .)

This is a puzzling finding. Why would vaccination suppress a person's ability to produce antibodies to different parts of the virus when exposed to the entire virus?

One possibility is that if the vaccine is protective, viral loads will be lower, leading to fewer seroconversions.

However, this study also found that at any given viral load, the unvaccinated produced a larger anti-N response than the vaccinated:

The plot on the left (A) shows the number of placebo and vaccine recipients who seroconverted after exposure to SARS-Co-V2 at varying levels of viral copies. We can see that regardless of vaccination status, lower viral copy numbers result in fewer seroconversions than at higher viral copy numbers.

But there is a significant difference between the vaccinated and placebo recipients.

This is demonstrated in Plot B, which shows that for any given viral copy number, the placebo recipients were significantly more likely to seroconvert. The difference is most prominent at lower viral copy numbers.

This is not a spurious finding. The UK Health Security Agency publishes weekly surveillance data

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk% surveillance-report-week-

13.pdf&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7C11d0e2 and monitors the levels of anti-N antibodies in their blood donors.

They noted the lower levels of these antibodies in vaccinated individuals who had breakthrough infections. However, they attributed this lower level to the protective benefit of the vaccine.

According to a March 22 report by the U.K. agency:

"These lower anti N responses in individuals with breakthrough infections (postvaccination) compared to primary infections likely reflect the shorter and milder infections in these patients."

Though vaccination may for some time decrease severity of the disease, "shorter and milder" (less severe) infections are associated with <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nature.com%2Farticles%2Fs020-19057-

5&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7C11d0e21726 lower viral load.

As the data above demonstrate, the vaccinated have a lower anti-N antibody conversion rate than the unvaccinated at all levels of viral load.

This is one of the most significant findings of the study because it overturns the heretofore unchallenged idea that decreased seroconversion in the vaccinated is due to less severe infection in this population — which is a benefit provided by the vaccine.

However, this new study shows that even at low viral loads, the unvaccinated are more likely to seroconvert than those who are vaccinated.

In fact, the difference in seroconversion rates is the greatest at lowest viral loads.

The decrease in conversion rates is not a result of a benefit from the vaccine. It is a consequence of it.

Once vaccinated, there may be no going back

The authors also uncovered another important finding: Participants in the Moderna trial who were PCR-positive and seronegative at baseline, prior to inoculation with vaccine or placebo, eventually seroconverted equally — independent of whether they received the vaccine or placebo.

This was also true in participants who received only one dose.

This means that vaccination status at the time of exposure is predictive of seroconversion rate in the future, and the effect is dose-dependent.

Whether or not seroconversion results in more robust immunity is yet to be determined. However, data from the U.K. and elsewhere suggest lower conversion rates may explain why infection rates are higher in their vaccinated population. This data is presented below.

Will repeated bouts of COVID-19 eventually lead to seroconversion in the vaccinated? The study could not answer this question.

More importantly, how will regular boosting affect seroconversion rates as time goes on? This is another important question yet to be answered.

There is no question that vaccine-mediated immunity against COVID-19 wanes and is waning faster as time goes on. The Centers for Disease Control and Prevention (CDC) recommended

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F ncov%2Fvaccines%2Fbooster-

shot.html%3Fs\_cid%3D11706%3Acdc%2520covid%2520booster%3Asem.ga%3Ap%3ARG%3AGM%3Agen a first booster after five months and a second after only four.

## Israeli data

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde vaccine-advisors-waning-efficacy-boosters-vaccine-

injured%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7C1 surrounding the effectiveness of a second booster demonstrated that effectiveness in preventing "severe disease" (not hospitalization) fell to just above 50% within seven weeks.

If a third booster is offered, it will probably be recommended sooner than four months after the second, based on this disappointing data.

There is more disappointing data coming from the U.K. In their last weekly surveillance report

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%</a> surveillance-report-week-

13.pdf&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3ba72c899b1f4449233008da2ee5da65%7C11d0e2 , which includes case rates between the unvaccinated and boosted citizens, the Health Security Agency offered this disquieting table:

From: Reese Sent: 4/30/2022 1:25:42 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: comments on CR-102 Keeping of Animals

## External Email

As a member of Back Country Horsemen of Washington (BCHW) and horse owner on Whidbey Island, I agree with the concerns of BCHW regarding Proposed Rule CR-102 Keeping of Animals. These concerns include mixing livestock oversight with nonlivestock, unclear/overreach on stockpiling and composting, concerns of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officers) and more.

I compost my horse's manure and for my garden and other plants. The rule does not clearly allow composting and spreading livestock manure. Livestock are herbivores. Their manure does not have the pathogens that are present in carnivores such as dogs and cats. If this rule does not clearly state that the composting and spreading of livestock manure is allowed, it will be up to local health officers to make this judgment which will likely be different from jurisdiction to jurisdiction. If I will be required remove my horse's manure, the cost will be prohibitive. I would like the WA Board of Health to delay the Draft Policy proposal in June, and a work group/task force be formed to vet out these concerns.

Thanks you for your consideration. Sandy Reese 892 Holbrook Rd Coupeville, WA 98239 (530)276-5742 From: Theresa Everest Sent: 4/22/2022 8:42:18 PM To: DOH WSBOH Cc: Subject: Covid Policies

External Email

I am completely against any of the proposed Covid Policies that are over reaching and immoral. We stand against these proposed WAC's: WAC 246-100-070, WAC 246-100-045, WAC 246-100-040, WAC 246-100, WAC 246-105.

Theresa Everest Everest Ranch, LLC P.O. Box 274 Northport, WA 99157 509-680-5393 From: Nancy the Soul Dancer Sent: 5/5/2022 2:57:13 PM To: DOH WSBOH,Amy Bolen,David Wolbrecht,jarnold@kirklandwa.gov,Jon Pascal,Kathi Anderson,Kelli Curtis,kraymond@kirklandwa.gov,Kurt Triplett,Mayor Penny Sweet,Neal Black,Toby Nixon Cc: Subject: Disinformation Governance Board

External Email

Rand Paul Grills Mayorkas on Disinformation: `I Don't Trust Government to Figure out What the Truth  $\mbox{Is}'$ 

Sen. Rand Paul, R-Ky.,

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.foxnews.com%2Fcategory% paul&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C1331a7dc37de4e77ae0508da2ee234ea%7C11d0e21 challenged Homeland Security Secretary Alejandro Mayorkas over his department's newly-announced Disinformation Governance Board, asserting that the American people

do not need the federal government to tell them what the truth is. Paul specifically

pointed to claims that he has made about the COVID-19 pandemic

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.foxnews.com%2Fcategory% disease%2Fcoronavirus&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C1331a7dc37de4e77ae0508da2ee2 that has not been in line with administration policies.

"I've said a million times that cloth masks don't work. YouTube takes me down. They're a private company I can have that beef with them. What about you? You're going to look at that? I often say that natural immunity

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde natural-immunity-covid-brownstone-

institute%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C1331a7dc37de4e77ae0508da2ee234ea%7C from having had the infection is equal to the vaccine

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde scientist-stephanie-seneff-neurodegenerative-disease-young-people-covid-

shots%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C1331a7dc37de4e77ae0508da2ee234ea%7C11c or better. You're going to take that down?"

In recent months, experts have said cloth masks were not very effective in combating COVID-19  $\,$ 

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde , yet mask mandates

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde mandates-an-erosion-of-civil-rights-chd-e-book-available-

now%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C1331a7dc37de4e77ae0508da2ee234ea%7C11d0 continued in many schools

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde should-not-mandate-covid-

vaccines%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C1331a7dc37de4e77ae0508da2ee234ea%7C , and until recently on public transportation, with cloth masks being acceptable

coverings. Other policies that have required vaccination or testing have failed to account for immunity from a previous infection.

Do you know who the greatest propagator of disinformation in the history of the world is? The U.S. government," Paul said.

From: Martina McHolland Sent: 4/25/2022 8:23:52 PM To: DOH WSBOH,DOH Secretary's Office Cc: Subject: Thank You for Listening to the Citizens of WA State

External Email

Dear BOH Members:

Thank you for listening to the concerns of us as citizens of Washington State and for voting to adopt the TAG's recommendation to not add the COVID-19 vaccine to Washington's list of required immunizations for child care and school entry at your April 13 virtual public meeting. We are confident that the emerging scientific data will continue to affirm your decision. Thank you for your thoughtful consideration in your role to protect the health of the children in our State.

Respectfully,

Martina McHolland

From: cuanabear Sent: 6/1/2022 11:24:14 AM To: DOH WSBOH Cc: Subject: kill the covid injections

### External Email

No matter how many times you put it on the agenda, BY LAW NO EUA PRODUCT OR PROCEDURE CAN LEGALLY BE MANDATED FOR US CITIZENS OR THEIR CHILDREN. The people, the Constitution of the United States and the Constitution of Washington State demand medical sovereignty, and the people will stand for nothing less. Grand juries are ongoing, and you don't want to be a defendant. Please put this issue to bed now. A vigilant citizen.

Sent with Proton Mail <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fproton.me%2F&data=05%7C01% secure email.

From: Mary Hargrove Sent: 4/26/2022 4:33:47 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: New legislation concerning animal waste disposal

## External Email

I request they postpone the draft proposal from June's hearing. We suggested they allow a work group/task force of stakeholders to convene and sort out the concerns.

Sent from my iPad

From: Linda Knutson Sent: 4/13/2022 9:01:23 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed changes to Keeping of Animal Rule

External Email

The following letter is to be distributed to a number of news media in Washington State.

I'm writing to call to your attention dramatic and alarming changes the Washington Department of Health (WDH) is proposing for WAC 246-203-130. This rule is currently titled, "Keeping of animals", but the proposed new title will be "Domestic animal waste". As the new title indicates, the WDH will no longer regulate the pollution caused by farm animals. Instead, they will focus entirely on the waste produced by domestic animals such as cats and dogs. A copy of the document, with the proposed changes, shown as strikeouts, is attached to this email.

There are approximately 200,000 dairy cows in the Lower Yakima Valley (LYV), and managing the mountainous volumes of manure they produce daily, is a logistical and environmental nightmare. It's ludicrous to assume the waste produced by family pets is significant when compared with the voluminous waste produced by factory farm animals!

For many years, the dairies have polluted the groundwater in private domestic wells in the LYV by allowing their manure lagoons to leak, and by over-appliying manure to agricultural fields. An award winning article published by reporter Lea Beth Ward in the Yakima Herald Republic (YHR) in 2008, titled "Hidden Wells, Dirty Water", documented the plight of the underprivileged residents of the LYV who were unable to drink their well water because of the pollution from the dairies. At that time, about 70 wells were polluted. Currently, over 200 domestic wells are polluted, and the number increases yearly. These residents are forced to either use bottled water, or install a water purification system.

The proposed changes in this document will allow the WDH to absolve itself from regulating the pollution caused by farm animals, and abrogate its responsibilities for protecting the health of the public. I hope you can help make the general public aware of this proposed change. Thank you for your time

Ron Sell, 15280 Douglas Road Yakima, WA 98908 (509) 930-2055

PS, I also sent this letter to the YHR and the Seattle Times Tip Lines. investigations@seattletimes.com

Philip Ferolito Reporter / Yakima County Government, Lower Valley Tel: 509-577-7749 Email: pferolito@yakimaherald.com Sent via the Samsung Galaxy S20 FE 5G, an AT&T 5G smartphone

From: Donna Hollatz Sent: 4/26/2022 12:57:21 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Please Delay Keeping of Animals Bill

External Email

Dear Legislators:

The current bill has many pitfalls, from the fact that it actually concerns "Livestock" rather than "Public Health" to the lack of coordination for Enforcement of any provisions. Please get a group task force together of Farmers/Cattlemen/Equestrians as well as urban dwellers to do a better job before passing this legislation. I don't believe that a workable solution can be accomplished by the current June deadline, so set a reasonable alternative and have knowledgeable, involved citizens work on this to avoid many nightmare situations. Livestock waste is much different than dog and cat feces and needs to be treated for what it is. Back Country Horsemen of Washington is a huge group of concerned citizens who should be involved and heard in this discussion. We are volunteers with an environmental conscience who provide many hours of service to state and federal agencies with our equines.

Jim & Donna Hollatz, BCHW-PNC 360-457-6694 Clallam County Residents From: Jane P Sent: 6/3/2022 10:12:19 AM To: DOH WSBOH Cc: Subject: No Covid-19 vaccine mandate!

External Email

Hi WA State Board of Health,

More evidence came out recently showing that the Covid-19 vaccine cannot prevent the spread of the virus, but rather destroy people's immune system and leave many people injured after taking the shots. There is no way We The People will allow you to mandate this poison on our children.

Also I would like to express my support on the petition in item #13, that calls for medical workers who administer EUA shots (such as all the Covid shots), and shots that lack completed Phase III clinical trials (all the Covid shots), to give potential recipients (or parent) specific information prior to vaccination so that fully informed consent (or refusal) can happen.

A deeply concern Washingtonian

From: Megan Mauch Sent: 6/2/2022 9:27:44 PM To: DOH WSBOH Cc: Subject: Covid vaccine for school

## External Email

To whom it may concern,

I am writing to express my sincerely held belief that students should not be required to have the COVID vaccine to attend school, ever. If this is a requirement, my kids will be pulled out of school.

Current enrollment is dropping quickly for a variety of reasons, but if you require the vaccine for all students it will plummet.

Requiring school staff to have the vaccine has caused a significant reduction in school employees, making the schools difficult to staff.

The vaccines have been causing many unnecessary illnesses in kids such as neurological disorders, heart problems, strokes, and other immune-deficiencies. There has been a rise of other unusual illnesses because of the damage this shot is doing to healthy kids' immune systems.

This shot is under emergency use authorization only, has not been through phase 3 trials and parents are not getting properly informed about side effects.

Finally, COVID is essentially non-existent and does not (and never had) significantly impacted kids. A vaccine is not and never has been necessary to protect them from the virus and putting their lives at risk to protect "grandma" is an abomination. Anyone seriously considering harming children will likely suffer greatly in eternity.

Make the right choice. Do not require this vaccine for children. No sensible adult would find this one bit logical. Please be a sensible adult and say no.

Thank you,

Megan Mauch

Mother of 3. Former school speech language pathologist who left due to the vaccine requirement and accommodations that accompanied an exemption. Advocate for public school kids that don't have a voice. Taxpayer. Washington resident very dissatisfied with its leadership. Let's turn this sinking ship around and allow medical freedom.

Sent from my iPhone

From: Katherine Holmes Sent: 6/3/2022 7:06:04 AM To: DOH WSBOH Cc: Subject: Please do not allow the Covid 19 Shots to be added to the school schedule

## External Email

Washington State schools have lost a significant number of students statewide, and 1,200 in my district alone. The students have left or not participated for many reasons, but if you add the Covid-19 shot to the schedule more will leave. These experimental medical procedures do NOT prevent infection and transmission, the known potential side effects, both short term and long term are unclear, and documented serious health risks from the shots such as myocarditis are clinically significant. College and school-aged children have an almost statistically near 0% of fatalities across the United States from the virus. There is more risk from the shot than natural infection. Are you willing to be the party financially responsible for any adverse health impacts that may occur as a result of the immunization, including legal and lawful recourse for injuries sustained from any adverse events associated with this EUA product, as the product manufacturer is not liable?

From: Christina Riley Sent: 6/1/2022 1:38:53 PM To: DOH WSBOH Cc: Subject: Public Comment

### External Email

On the Rulemaking for medical workers who administer EUA shots (such as all the Covid shots), and shots that lack completed Phase III clinical trials (all the Covid shots), to give potential recipients (or parent) specific information prior to vaccination so that fully informed consent (or refusal) can happen. I want to continue to express my desire that the BOH should continue to follow the asking of the public and its advisors not to add to the vaccination schedule to attend public schools.

I also want to note that I oppose any changes to the Keeping of Animals, WAC 246-203-130. As a small farmer, I can say that there is no need for any changes, especially the changes recommended. Farmers need to be able to use that as needed for fertilizer, and the cost associated with changes would be cause for negative impact to small farmers.

Thank you, Christina Riley From: DOH Information Sent: 5/5/2022 4:52:57 PM To: DOH WSBOH,DOH COVID Vaccine Cc: Subject: FW: Question/Comment from the public

attachments\98C8DE2C2383488D\_image001.png

Hello,

Can someone please respond to the inquiry below?

Thank you,

**Customer Service Specialist** 

Center for Public Affairs

Washington State Department of Health

DOH.Information@DOH.WA.GOV <mailto:DOH.Information@DOH.WA.GOV>

1-800-525-0127| www.doh.wa.gov <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.doh.wa.gov%2F&data=05%7

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.doh.wa.gov%2FNewsroom%">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.doh.wa.gov%2FNewsroom%</a>

From: DOH Feedback <doh.information@doh.wa.gov> Sent: Thursday, May 5, 2022 2:17 PM To: DOH Information <DOH.Information@DOH.WA.GOV> Subject: Question/Comment from the public

The following survey response is submitted:

1.

Please select one:

Please enter your comments or questions in the space provided below:

# https://phmpt.org/pfizers-documents/

3.

If you are sending feedback on one of our Web pages, please paste the URL here: https://phmpt.org/pfizers-documents/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fphmpt.org%2Fpfizersdocuments%2F&data=05%7C01%7CWSBOH%40SBOH.WA.GOV%7C6c7bc09e328d40f6c3b608da2ef25fb9

2.

<sup>&</sup>lt;https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fphmpt.org%2Fpfizersdocuments%2F&data=05%7C01%7CWSBOH%40SBOH.WA.GOV%7C6c7bc09e328d40f6c3b608da2ef25fb9 I am a concerned citizen about the Pfizer mRNA vaccine. It was a trending topic on Twitter and the concern is that although the documents show that Pfizer does not recommend the vaccine for pregnant women, the fda and Wa state board of health still recommend women take the jab. Background: A federal judge in Texas has ruled that the FDA must by the end of this month make public 12,000 pages of the data it used to make decisions about approvals for Pfizer/BioNTech's COVID-19 vaccine - and then release 55,000 pages every 30 days after that until all 450,000 requested pages are public. The most recent document dump reveals many concerning figures that may constitute fraud or malfeasance given the obvious profit incentives. Quotes from the FDA/Pfizer documents most concerning: "The effects of the covid 19 vaccine on sperm, a pregnancy, a fetus, or a nursing child is not known." "It is unknown whether covid 19 mRNA vaccines is excreted in human milk. A risk to the newborns/infants cannot be excluded. Covid 19 mRNA vaccine should not be used during breastfeeding." 1223 fatalities out of 42086 participants It is concerning. I would like the board of health to investigate the documents.

4.

Would you like a response?

Tell us how to get in touch with you.

Name: Joe Muller Email: joe\_muller@verizon.net <mailto:joe\_muller@verizon.net> Telephone: 2678845247

5.

To receive a confirmation of your submission, please enter your email address again in the space provided below.

joe\_muller@verizon.net <mailto:joe\_muller@verizon.net>

From: Cathy Halverson Sent: 4/26/2022 10:14:58 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals

External Email

As an animal owner I have concerns that not all issues have been resolved with the proposed animal waste rule. I ask that you postpone the draft proposal from June's hearing. I would like to see a work group/task force of stakeholders meet to sort this out.

Thank you,

Cathy Halverson Toledo, WA From: Linda Hagan Sent: 4/16/2022 1:06:26 AM To: DOH WSBOH Cc: Subject: Robert Malone, MD & Dr. Bryan Ardis - Exposing the Agenda

External Email

To the WSBOH,

As you may or may not know, Dr. Robert Malone is the man who pioneered the mrna vaccines many have been given. Therefore, he is highly respected and renowned and definitely not an anti-vaxxer. Below is his recount of his "vaccine injury". In it, he refers to the excellent website,

www.howbadismybatch.com

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.howbadismybatch.com%2F&c where one can discover a great deal about the FDA EUA shot received.

"How Bad is my Batch" <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Femail.mg2.substack.com%2Fc%2 I6m3yPNpc5Te8ux0Hxj\_Tu3IDidad-5Vu2uSfDZpI0iU7xXiVBohefgmZW1Lvznv5uSsLUMfNp\_ucUHsz7-\_Un2m6L4npLRx61t2-HbFttrovgojeLedYcTOapmCBCEMYUE4oY9oIPOAgCjEUUjhTx0Een46kbx2HCUH0i\_32J18avfV3yCjuxaY01oHpS3KUCnfWvVZ2LEDzsgL5BGife\_CFtDiBhtbthyy4jXHACApDFyGiT16OMAsRI3jKPDdbGufS8T9GfwEwPMw1

The story of my vaccine injury

Robert W Malone MD, MS

Jan 13

I actually do have a personal life. In fact, my wife of 42 years and I are actually pretty private. Sharing personal history is not something I do everyday. However, as many of you know - I was vaccinated with Moderna twice and had a pretty significant vaccine injury. This was pretty early in the roll-out of the vaccines. It was long before the FOIA Japanese pre-clinical trial data that had so many red-flags and irregularities, long before we learned of all the issues with the clinical trials, and long before the VAERs and adverse events began to be known.

To write it, I have never been an "anti-vax" person. I have spent my career working with vaccines. I also know that some vaccines are "hot," and are less safe. Usually these types of vaccines are reserved for extremely dangerous viruses like Ebola or Yellow fever. Where the goal is to make the vaccine 100% effective. Other vaccines that are distributed widely, like the flu vaccines need to be very safe. The trade-off being that they are less effective. There is a whole science and art to crafting vaccines to appropriately respond to the "threat." So, I know to read the literature, do my own due-diligence, etc before taking an experimental product or any vaccine. That is what I thought I did. The government assured us that these vaccines were very safe. I could never imagine that clinical data would be corrupted and even falsified - as we now know it was.

Anyway, back to my story. I knew in the beginning of April, 2021, that I had to travel overseas and the word on the street was that the European Union was going to require full vaccination before entering any EU country by summer (that actually never happened BTW). I knew that a full vaccination protocol was a process of weeks - and that I had better get started! Furthermore, there was a lot of buzz around the idea that vaccination would help with "long-COVID." I had already had COVID, and just couldn't shake a number of chronic issues that I had developed after getting the disease. Frankly, I should have done more homework on that one- because this idea really didn't hold up to scrutiny.

Be that as it may, in April, 2021, I got vaccinated. It was early enough in the cycle that I had no choice but to take the Moderna vaccine, as that was available in my area. The vaccine was distributed at a local college, with the Army reserves administering the program.

The first shot was fine. No issues.

The second shot almost did me in. As in I almost died.

After the injection, I had the usual fatigue, muscle-ache and then the palpitations started, as well as shortness of breath. Within a couple days, it got worse - I am not someone who goes to the doctor easily, but luckily for me, I happened to have a routine appointment with my physician. She cuffed me and my systolic blood pressure was through the roof. As she is also a cardiologist, she had more tests run, started me on high blood pressure meds and we got it under control. I kind of feel like I owe her my life. A call out to the fantastic Dr. C. Bove.

Fast forward to today.

One of the people who comments on my Substack articles, pointed me to this website:

https://www.howbadismybatch.com/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.howbadismybatch.com%2F8

This site matches up vaccine batch codes with information from the VAERS system, which is the event reporting system run by the CDC. This site matches the vaccine batches to adverse drug reactions, death, disability and life threatening illnesses from the VAERS system

According to the website above, the data reported in VAERS, reproduced on the site, show that adverse events triggered by Moderna batches have varied widely.

5% of the batches appear to have produced 90% of the adverse reactions

Some Moderna batches are associated with  $50 \times 10^{10}$  x the number of deaths and disabilities compared to other batches.

With that knowledge, I entered my batch code in the search box. The first injection had almost no significant adverse events associated with it. The second jab, frankly shocked me

Here are the results:

Now, I don't know how many doses are in each batch. But I do know my batch was most definitely in the top 5%. So, not really a surprise in retrospect that I had such a serious adverse event profile.

I always felt I was lucky that I happened to be going to my physician that day, who is also a cardiologist (she is my internist - so I wasn't seeing her for that specialty).

But just think- our government had this data way back when in the VAERs system -even last summer. This data is so compelling and yet...crickets. How many people could they have helped by releasing this data? People like me, who if I wasn't a physician and hadn't gone to my physician could have easily dropped dead.

What is wrong with our government that a site like this is not available from the CDC or the FDA?

If anyone has any doubts about adverse events from these vaccines, take a look at some of the peer reviewed research or look at the VAERS data for deaths in young adults and children.

People have the right to be given informed consent of risks and benefits of a medical procedure. Informed consent is not given, if the risks are hidden.

WHERE THERE IS RISK, THERE MUST BE CHOICE

Dr. Ardis' Video Interview

The research done by Dr. Ardis points to the source of Sars-Cov-2 as being most probably Cobra venom. The Dead Sea Scrolls predict using snake venom to kill humans. Mrna gene therapy shots are being used to change our DNA. The research Dr. Ardis has done is very helpful in understanding the whole Covid picture.

https://iconnectfx.com/view/ebde63b9-5fbc-ec11-996a-0050568299de <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ficonnectfx.com%2Fview%2Febde 5fbc-ec11-996a-0050568299de&data=04%7C01%7Cwsboh%40sboh.wa.gov%7C3532caca29cd4ec5df1c08da1f7fd54a%7C From: Lisa Templeton Sent: 6/3/2022 11:39:20 AM To: DOH WSBOH Cc: Subject: Public comments for the Board's materials for its June 8 meeting

External Email

Dear Board members,

Welcome to new members Dr. Love-Thurman, Ms. Oshiro, and Ms. Flores.

I am an ex-vaxxer, having learned the hard way after blindly following my children's pediatricians' advice for over two decades. No one had told me that vaccination poses serious risk, that the doctors and manufacturers behind these procedures are shielded from liability, or that the products are inadequately tested.

I've spent the last several years helping others become risk-aware, too, which I wish someone would have done for me.

The silver lining of Covid with its unprecedented government overreach is that my endeavor to educate others is being multiplied; the masses are waking up to Pharma's regulatory capture of public health. It's important for BOH members to be aware that the continued cardinal goal to get the experimental Covid "shots in every arm" and the suppression of prevention guidance and unpatented early treatments are undermining your credibility as people's own experiences increasingly diverge from the narrative. Like I did, they are learning the hard way, and they will never go back.

The public's faith and trust in public health is at an all-time low, and it continues to decline the harder the one-sided messaging is pushed.

People are becoming even more skeptical with the disproportionate recent publicity regarding monkey pox that seems intended to alarm listeners into clambering for more pharmaceutical products in order to "stay safe."

Would you consider redeeming your organization and restoring your reputation by cutting marketing ties with Big Pharma and focusing instead on informed consent and the promotion of true wellness and prevention measures that will improve the public health? You could begin by granting Mr. Harp's petition today to add language to WAC 245-105-070. This is your way forward to fulfill the dream I believe you had when you entered this field. Well-being and vitality do not come from a needle.

I thank you for taking my encouragement to heart.

Sincerely,

Lisa Templeton

From: Lisa Miniken Sent: 4/30/2022 1:03:47 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Concerns regarding proposed policy for the Keeping of Animals

External Email

To whom it may concern,

As a member of the Backcountry Horsemen of Washington and as a property owner of a small horse property in unincorporated King County, I share many concerns with other people in similar situations regarding the proposed policy. Along with others, I ask that you delay the draft policy proposal and form a task force to hear concerns from many people such as myself.

I live in an area where acreage and hobby farms are slowly being phased out in favor of large homes and neighborhoods. Although my horse property is legal and setbacks are respected, I'm concerned about the vagueness of the current policy proposal. My barn is situated close to my neighbor's house so what if she complains about a smell, even though none exists due to responsible horse-keeping? What if another neighbor decides to complain because they don't like the "look" of horse property?

The current policy is too vague. Please take into account the reality of small livestock farms in the area and put some more thought into a proposal that will work for everyone.

thank you, Lisa Miniken Redmond, WA 206-399-7134 From: Morris, Della Sent: 4/29/2022 1:52:46 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

@ attachments\82A1C812159B4468\_WAC 246-303-130 CR102 response.doc

External Email

Attached is the written comments on CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130).

Thank you

Della Morris |Administrator II

Environmental Health Services Division

Public Health Seattle & King County

401 Fifth Avenue, Suite 1100 | Seattle, WA 98104

Phone: 206-263-9554, |Fax: 206-296-0189

Della.morris@kingcounty.gov <mailto:Della.morris@kingcounty.gov>

From: Nancy the Soul Dancer Sent: 5/10/2022 3:59:32 PM To: Amy Bolen,David Wolbrecht,jarnold@kirklandwa.gov,Jon Pascal,Kathi Anderson,Kelli Curtis,kraymond@kirklandwa.gov,Kurt Triplett,Mayor Penny Sweet,Neal Black,Toby Nixon Subject: CDC's 5 + criteria for a pharmaceuticals qualifying to be labelled a "vaccine"

External Email

Hello Distinguished member of the Kirkland City Council and City Manager,

I am a concerned citizen, retired educator among many other roles I play.

My purpose in writing to the KCC is to ask you to consider some information that may not be readily available .

That said, the CDC has had longstanding criteria for a product to be labeled a "vaccine".

Here are the CDC's 5 original criteria for a vaccine:

- 1 .Has antibody immunity of the virus.
- 2. Must give protection from the virus.
- 3. Shows reduced hospitalization, reduced severe symptoms and reduced death.
- 4. Shows the stopping of the carrying of the virus.
- 5. Stops transmission of the virus.

The three COVID19 shots (Pfizer, Moderna and J&J DO NOT and DID NOT meet any of these 5 criteria, even though they all were purported by their companies, by Dr. Fauci, etc. that these were credible, safe and effective "VACCINES"!

Please note, that after a year of the rollout of these "vaccines", the CDC's then added a 6th criteria in order to be able to call these products "vaccines. The 6th criteria was for the product to have mRNA as an ingredient.

Please note: The physician, immunologist, creator of the mRNA technology, Dr. Robert Malone, has repeatedly spoken out in many venues across the country, to say this is NOT what the mRNA tech. was intended for and that the pharmaceutical companies have added other undisclosed, toxic ingredients which have made these "vaccines" neither safe nor effective! Here is a short video, 6 min., of Dr. Robert Malone, the creator of the mRNA used in the COVID shots. If it is not safe for the children, it is not safe!

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https://globalcovidsummit.org/news/live-stream-event-physicians-alerting-parents
<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fglobalcovidsummit.org%2Fnews%
stream-event-physicians-alerting-
parents&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C9350f2b9463b4c204e2808da32d8bceb%7C11d0e
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Thank you for reading this far and for taking a few more minutes to watch this informative video (link below), with good independent science (that Big Pharm funded and controlled mainstream media doesn't share. Wonder why not?!)

Signed,

A mother, a grandmother, educator for 35 years.

P.S. Don't believe me, I invite you to do some independent research yourselves.

Full Text of Dr. Malone, creator of mRNA, Statement (Dec. 15, 2021)

My name is Robert Malone, and I am speaking to you as a parent, grandparent, physician and scientist. I don't usually read from a prepared speech, but this is so important that I wanted to make sure that I get every single word and scientific fact correct.

I stand by this statement with a career dedicated to vaccine research and development. I'm vaccinated for COVID and I'm generally pro-vaccination. I have devoted my entire career to developing safe and effective ways to prevent and treat infectious diseases.

After this, I will be posting the text of this statement so you can share it with your friends and family.

Before you inject your child - a decision that is irreversible - I wanted to let you know the scientific facts about this genetic vaccine, which is based on the mRNA vaccine technology I created:

There are three issues parents need to understand:

The first is that a viral gene will be injected into your children's cells. This gene forces your child's body to make toxic spike proteins. These proteins often cause permanent damage in children's critical organs, including

- \* Their brain and nervous system
- \* Their heart and blood vessels, including blood clots
- \* Their reproductive system, and
- \* This vaccine can trigger fundamental changes to their immune system

The most alarming point about this is that once these damages have occurred, they are

### irreparable

- \* You can't fix the lesions within their brain
- \* You can't repair heart tissue scarring
- \* You can't repair a genetically reset immune system, and

\* This vaccine can cause reproductive damage that could affect future generations of your family

The second thing you need to know about is the fact that this novel technology has not been adequately tested.

\* We need at least 5 years of testing/research before we can really understand the risks

\* Harms and risks from new medicines often become revealed many years later

Ask yourself if you want your own child to be part of the most radical medical experiment in human history

One final point: the reason they're giving you to vaccinate your child is a lie.

\* Your children represent no danger to their parents or grandparents

 $\ast$  It's actually the opposite. Their immunity, after getting COVID, is critical to save your family if not the world from this disease

In summary: there is no benefit for your children or your family to be vaccinating your children against the small risks of the virus, given the known health risks of the vaccine that as a parent, you and your children may have to live with for the rest of their lives.

The risk/benefit analysis isn't even close.

As a parent and grandparent, my recommendation to you is to resist and fight to protect your children.

From: Bob PETERS Sent: 4/29/2022 9:17:56 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Re: Animal Waste rule

External Email

This may not be an acceptable form for comment, but I'm surprised that there doesn't seem to be any mention of people keeping animals (poultry, etc.) in residential neighborhoods.

There are probably very few backyard chicken pens that aren't feeding as many rats as chickens.

Robert Peters Puyallup From: Phillips, Theresa (DOH) Sent: 5/2/2022 4:04:28 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: Animal Waste Rule Comment Letter



attachments\9A9C64127A7F4A33\_image001.png

attachments\946C792D5F414A6E\_2022-05-02-SBOH-Animal Waste-Letter.pdf

Dear Board Staff:

I am submitting the attached letter on behalf of Lauren Jenks, Assistant Secretary, Division of Environmental Public Health, Department of Health.

Thank you for the opportunity to comment on this important environmental public health rulemaking.

Theresa Phillips

Regulatory Affairs Manager

Office of the Assistant Secretary

Division of Environmental Public Health

Washington State Department of Health

theresa.phillips@doh.wa.gov <mailto:theresa.phillips@doh.wa.gov>

360-236-3147 | www.doh.wa.gov

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.doh.wa.gov%2FNewsroom%">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.doh.wa.gov%2FNewsroom%</a>

From: Donahoe, Kaitlyn N (SBOH) Sent: 4/29/2022 12:06:16 PM To: DOH WSBOH Cc: Subject: FW: Board Decision on Covid-19 Vaccines

From: Janet Young <antiejan@gmail.com> Sent: Friday, April 29, 2022 11:33 AM To: Donahoe, Kaitlyn N (SBOH) <kaitlyn.donahoe@sboh.wa.gov> Subject: Board Decision on Covid-19 Vaccines

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely,

Janet M. Young

Maple Valley, WA

April 29, 2022

From: Yukari Endo Sent: 4/14/2022 9:54:15 AM To: DOH WSBOH Cc: Subject: My great uncle passed away with Pfizer forced mandate third booster in Japan

External Email

To Washington state board of health

Please read this message and take it serious to upcoming meetings if you still push us mandate mRNA technology in WA.

The decision you made on no to school mandate is commonsense. We have been speaking out to reach to you all since the closure.

My name is Yukari Evins. I have been living in Washington for total 23 years now. I was living in Seattle king county for 22 years. I'm from Japan.

I wanted to comment on the zoom public meeting yesterday but I wanted to respect other doctors and medical professions and educators to speak out so I was marked no on the comment for the meeting yesterday so they can speak for all of us clearly.

If I could leave a public comment yesterday, I wanted to tell you all including the Washington state residents on zoom that my great uncle passed away with the forced mandate shots by senior facility in Japan.

He was passed away last month in Mar 15th that happened three days after the forced so called mandate shots done by the senior facility in Japan. We are currently under investigating related to his death.

As the doctor found out that there are tremendous amount of blood clots in his body.

He did not want to get the shot as even if he was 97 years old, his entire life was blessed in such perfect health without taking any meds at all but this Covid mandate forced restriction killed his life.

Some people might blame on his deaths as he was old but the fact is that he was dead within 72 hours after being shots.

This is my point to claim on so called specialists of advisory or doctors on media keep recommending or forcing mRNA shots in the world. What kind of world it is. None should command on Others body and health at all.

I'm Very sad about my great uncle's death by experimental mRNA.

As soon as he was forced to get the first Pfizer shot, he started to feel sick and they forced the second shot last year. Then his organ started to fail as became very ill. But the facility again forced to shot him in third booster last month and then within 3 days, he was dead.

We all know that there is such wrong moral and against humans since the closure that has been always pushed to us by using the name of "For your safety" Anything is convenient to be used to control people.

Crucial point that people have to know is that It is communism under the name of Covid 19.

I'm very upset and angry at the same time very sad about my great uncle's death as I have been speaking up not to get the experimental shots by the Gov or the foundations and big Pharma in the world and now tech has been controlling the entire world since the closure of so called Pandemic by media and all the gov in the world.

Are they trying to kill all of us ?! By forcing or mandating this experimental shots that we have no idea of the long term side effects.

Why we have been pushed this experimental mRNA that have killed already tremendous number of people in the world including my great uncle? To kill many people?!

The session that you made not to mandate to school kids in WA is commonsense. It is not anything special about the decision by the Washington state board of health.

I want to thank you all of doctors and medical professionals and educators and fire fighters, Sheriffs, police officers, and all the parents.

Our voices have never been on reported by media but always marked us as anti Vaxxers.

We are not anti Vaxxers but know what is happening in the society.

people who only watch media that was given tons of foundations by only the portion of people or organizers believe in the media only and continue getting endless boosters.

Hope that the Washington state board of health will not being pushed by the any foundations and alliances to push kids' mandate again so you have to listen to them and controlled by them by ignoring our voices.

I all agree with all the public comments yesterday and none of us agree with the forced shots as we know that this is something very bizarre and sketchy.

We would like also ask not to use zoom meeting anymore but requesting go back to the public meeting in person.

Thanks

Yukari Evins

It has been happening not only

video%2Fid646100661&data=04%7C01%7Cwsboh%40sboh.wa.gov%7C7ff1d0c1a48d4927b31408da1e37

From: Geri Rubano Sent: 6/1/2022 11:14:32 AM To: DOH WSBOH Cc: Subject: Covid shots

External Email

Dear BOH,

I want to thank you all for not adding the Covid-19 shots to the mandatory shots for children to attend school. It is my hope and prayer that this injection never makes it to the list of vaccines required for school entry regardless if there are exemption options for parents.

I find it disheartening and more than surprising that you have ignored the thousands and thousands of adverse reactions and deaths reported to VAERS that these shots have caused the American people. The "science" that most physicians are following that claim these "vaccines" are safe and effective is flat out wrong and corrupt.

Please continue to listen to the outcry of the citizens and taxpayers of this state who say, "NO" to these shots.

Thank you,

Geri Rubano

From: carol fields Sent: 4/30/2022 2:49:13 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

External Email

please delay the Draft Policy proposal in June and that a work group/task force is formed to vet out our concerns. if this proposal is passed, I am voting to move my paycheck (and most of my horsemen friends also) out of this state. We have had enough. Carol Fields Graham, WA

Fight organized crime: Re-elect no one..

From: Neal Padur Sent: 4/20/2022 3:50:03 PM To: DOH WSBOH,DOH Secretary's Office Cc: Subject: Thank You for Listening to the Citizens of WA State

External Email

Dear BOH Members: Thank you for listening to the concerns of us as citizens of Washington State and for voting to adopt the TAG's recommendation to not add the COVID-19 vaccine to Washington's list of required immunizations for child care and school entry at your April 13 virtual public meeting. We are confident that the emerging scientific data will continue to affirm your decision. Thank you for your thoughtful consideration in your role to protect the health of the children in our State. Our family were preparing to sell our home and move to another state. Respectfully,

Neal & Linnea Padur

From: Melissa Moser Sent: 5/17/2022 5:58:59 PM To: DOH WSBOH Cc: Subject: Covid vaccines and safety concerns for children

External Email

Hello,

Thank you for all you do and your consideration with this information regarding Covid vaccines and safety concerns for children:

https://childrenshealthdefense.org/defender/fda-pfizer-booster-kids-thirddose/?utm\_source=salsa&eType=EmailBlastContent&eId=36fce1ce-6d54-498b-9eaa-62c972c8166c <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fde pfizer-booster-kids-thirddose%2F%3Futm\_source%3Dsalsa%26eType%3DEmailBlastContent%26eId%3D36fce1ce-6d54-498b-9eaa-62c972c8166c&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C87006fa1f8a34dfd938508da38698d15%7C

Sincerely, Melissa Moser From: Melissa Moser Sent: 4/23/2022 5:07:17 AM To: DOH WSBOH Cc: Subject: Fwd: Covid vaccines and safety concerns

External Email

□Hello,

Thank you for all you do and your consideration with this regarding Covid vaccines and safety concerns: https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fchildrenshealthdefense.org%2Fdefe vaccines-meager-benefit-young-kids-cdc-report-shows%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C464ffd0e3e3143712a4508da2521abb9%

Sincerely, Melissa Moser From: Alynne Prins Sent: 4/30/2022 12:06:29 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: 5D3224B3-3671-40FD-81AF-080FF8EC72D1

External Email

Please postpone draft proposal from June's hearing and allow a work task force of stakeholders to convene and sort out concerns. Thank you, Alynne Prins Livestock Owner, Snohomish. From: Gerald Braude Sent: 6/2/2022 11:36:22 PM To: DOH WSBOH Cc: Subject: COVID-19 shots are not safe

External Email

Dear members of the Board of Health:

Thank you for voting unanimously for not adding the COVID-19 mRNA gene therapy shots to the school entry requirements. Thanks to your vote, parents are not faced with the predicament of subjecting their children to these Emergency Authorization Use experiments for school entry.

During your last meeting, many of you stated the shots are safe, one saying that his three children have been fine after taking the jab. That's nice that the shots worked for your family but try telling that to the family and friends here of the seven-year-old boy who died after the shot or the seventeen-year-old girl who died after the shot or the two children whose mother--Jessica Wilson Berg--died after taking the shot so that she could be a classroom mom. All these deaths were of Washington residents.

Or try telling the shots are safe to the family and friends of those 202 here in Washington who died after taking the COVID-19 shots. The Vaccine Adverse Events Reporting System on the Center for Disease Control web site has those figures. Or try telling the shots are safe to the thirty-five children who have been diagnosed with myoperidarditis from the Pfizer shots at Seattle Childrens' Hospital. This type of condition is serious.

Just the above figures in themselves show that the COVID-19 shots are not safe and please keep this in mind when making future decisions concerning these jabs.

Thank you for all you do for Washington,

Gerald Braude Port Townsend From: Garry Blankenship Sent: 4/28/2022 8:23:39 AM To: Cc: Subject: Unexpected Deaths

## External Email

https://rairfoundation.com/epidemic-german-and-austrian-mayors-under-60aresuddenly-and-unexpectedly-dropping-dead/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Frairfoundation.com%2Fepidemicgerman-and-austrian-mayors-under-60-aresuddenly-and-unexpectedly-droppingdead%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cc908ac825e6d4c39ad4308da292b07ee%7C11d

When one adds to above the surprising number of super athletes dropping in their prime, insurance company statistics of a catastrophic increase in middle age deaths and the alarming number of various not yet lethal harms and maladies, it is clear that these experimental mRNA drugs are the cause. Anyone in the health management system that pushed these drugs should not only be troubled looking in a mirror, but should be held liable. They are the "professionals" and their promotion of these drugs is both incompetence and malpractice.

From: lourie boltz Sent: 4/26/2022 10:52:47 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

External Email

Please delay the ruling of this issue so more discussion and information can be pursued. There is much more fact finding and possible solutions that must be reviewed in fairness to the thousands of urban and rural animal owners. As a responsible horse owner and member of Back Country Horseman of Washington this is very important to me.

Best regards, Lourie Boltz From: davissons Sent: 4/21/2022 10:47:03 PM To: DOH WSBOH Cc: Subject: covid vaccine requirement consideration

#### External Email

As you are considering whether to add Covid vaccinations to the list of required vaccines for school children, I would urge you to consider the many reasons this vaccine should NOT be added to those required vaccines for children.

Vaccines are, under normal circumstances tested for 5-10 years before being released to the public. This allows time to test short term, as well as long term effects. Vaccines are also normally tested on animals during the testing process. Because the MRNA shots were fast tracked, animal testing was not done and neither was long term testing. As such, there are still many unknowns, including any possible long term effects. Also, because of the fast-tracking, the public has become the long-term test subjects. As was admitted during FDA approval process for kids, the results won't be known until kids are getting the shots. Is it morally right or fair to force children to be test subjects? Adults have a choice. Children do not.

Secondly, we do know that there have been many cases of myocarditis and pericarditis, mostly in boys and young men, and in some girls as well. The CDC has claimed these, and other serious effects, are rare. But I encourage you to check the websites realnotrare.com and c19vaxreactions as well as VAERS and you will see thousands of heartbreaking stories of lives forever changed from unexpected serious effects of the vaccines. Parents have lost healthy children to heart attacks, and some have previously healthy children who are now having seizures, suffering debilitating pain, serious gastrointestinal problems and even some who have had strokes and others, wheelchair bound. How many hundreds, or thousands, of children must suffer these reactions before adults stop this? No child should have to be forced to play this game of Russian Roulet, not knowing if they will be one whose body reacts in a way that will forever change their life, or take it from them. In addition to this, we don't know the long term health effects of this shot. It is known that the spike proteins have been found in all the organs, it is known that they can pass through the blood/brain barrier, and it is known that they can attach to the blood vessel walls causing damage and blood clots. What could it do to these small bodies, including their reproductive organs, to their brain, and other organs? Many have their opinions. But the truth is, no one knows.

Third, for the vast majority of children, Covid 19 symptoms are very mild. Survival rates are almost 100%...99.998. What purpose does it serve to require a shot with the health risks of this one for a virus that all agree, is not deadly for children. If it is to protect the adults...when have we ever forced kids to get a vaccine to protect adults? That would be wrong on many counts. And aren't adults able to protect themselves, if they choose, with the vaccine?

Lastly, now that boosters are out, and soon, shots for Omicron, when will this end? Will our kids be required to get boosters every 4-6 months as the shot's effectiveness wears off? Will each new variant require a new shot? Covid, with ever changing variants, may be here to stay similar to the flu. Flu shots are a choice. Some do it, some are not comfortable with it. It should be each family's decision to make.

Many countries are realizing that with all the vaccine mandates, it's not working to stop this virus, so are stopping the vaccine requirements. Unlike normal vaccines, covid vaccinated people still get covid, and transmit it. I strongly urge you to take a look at the sites I referred to and see the truth about the many children and teens who have been harmed by these shots. Brazil recently stopped vaccine requirements when a young girl died of a heart attack shortly after getting the vaccine. Although the data recording in America during covid has been disturbingly lax, records and testimonies show that we have had many more than one child's death and serious adverse effects....surely Washington State, and all America, cares about these lives, and will be wise about not putting more children in jeopardy, as Brazil did, and other countries have as well. Please make this decision based on real things happening to real children...and the many more that could be hurt if this shot were to be required. There are so many conflicts of interest among agency's advising people on what to do. Isn't it time to listen to the people it affects? On a side note...I know a pediatric nurse in a large hospital, where not one child has died of Covid...who is very much against kids getting the shot. There is also a respitory therapist in the family who is very much against the shot for kids. She recently cared for one who almost died of a heart attack. And both of these health care workers are vaxxed... but are against putting children's health and life in jeopardy with a vaccine that they say is more of a health risk for children than if they were to get the virus. Please do the right thing for the children of our state and say no to our kids being nonconsenting long-term test subjects for these vaccines.

Jan Davisson

Sent from my Verizon, Samsung Galaxy smartphone

From: Bobette Knapp Sent: 4/27/2022 8:37:04 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals - Comment

External Email

I am requesting that you postpone the draft proposal from June's hearing to allow a work group/task force of stakeholders to convene and sort out the concerns. Among those many concerns are mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Bobette Knapp

Orting, WA

Horse Owner

**BCHWA Member** 

From: DOH WSBOH Sent: 6/3/2022 4:27:42 PM To: DOH WSBOH Cc: Subject: Public Comments

From: Only Better <obetter370@gmail.com> Sent: Thursday, May 5, 2022 11:17 AM To: DOH WSBOH <WSBOH@SBOH.WA.GOV> Subject: NEW MEDICAL PHENOMENA: This horrible reminder of Holocaust has been reenacted in Seattle by North Koreans and some stray, yet well-protected, dogs of today's America, and they've been acting like they owned a whole city and law enforcement agencies by ...

#### External Email

Havana Syndrome and Nazi-style Criminal Human Experimentation in Seattle by Koreans and "Greenland" Nazi cult group

Dear Sir or Madam:

My name is Sonya Hyun. I'm sending this letter along with a brief description of my current life situation, which, I believe, heavily implicates the abusive employment of BCI Technologies -- nightly dream insertions, constant monitoring of my biofeedback data, brain mapping, thought reading and optical scans, and memory downloading/uploading. Calling it a "memory uploading," they've been forcing two dreams each night, largely fake dreams of illicit contents -- portraying me as a drugtrafficker or as a prison inmate beaten up inside a jail. They were mostly manufactured by themselves during the day, stored at the back of my head, nightly played during my sleep, and then those dream images were uploaded somewhere (now with my image included in it by the next morning). Casually discussing exchanges of memory and DNA between two people, an American supervisor (a self-claimed journalist well into her 70s-80s) ordered a mysterious group of Koreans, to use dream insertion memory uploading techniques and memory downloading from Hippocampus. Such was done for the purpose of exchanging memories (and also body parts) between myself and a 45-year-old Korean woman (an illiterate person with multiple prison records).

During the week of 3/6/22, one of the Korean group said, "There has been an inquiry from Minister Kang, Gyung-hwa (the former Minister of Foreign Affairs of South Korea), and we've just been ordered to remove all evidences at once." Afterwards, more of them have made a forced entry to my home with more harassment schemes -- e.g. flipping over cooking pans inside the oven, spilling foods all over, or creating an electric fog of high voltage inside my unit. On 3/24/22, a Korean male in his 40's answered his female co-worker, who was questioning his backup plan for the continuation of this program:

"I'm plotting to dump her in a mental hospital. The preparations are almost done. Except that Minister Kang has thrown some muds over my otherwise well-planned scheme. We've already had too many witnesses. We have to kill them all."

On 4/10/22, a 45-year-old Korean woman confessed that she'd been ordered by her boss in Korea to present me to others as a low-class woman by lowering the quality of my life, and then to spread a rumor that I had been an adopted orphan, not a real member of my family of origin. For that purpose alone, the group has been blocking all accesses to cultural venues -- for instance, by shooting toxins to blind my eyes in order to prevent me from reading. Alternatively, I have found myself unwittingly providing maid services for the entire group of Koreans -- cooking, laundering, toilet cleaning, etc. (In the morning of 4/29/22, I was awaken by a Korean woman demanding cleaning services.) For the past 27 months, they've been disfiguring and damaging my facial and bodily parts in the name of 'plastic surgery.' They have been molding my apparances into those befitting a person who had grown up in the street as an orphan and had later become a drug dealer living in and out of prison.

More and more, it seems that it is what the group has been experimenting upon, that is, to "reverse," by reversing the personal traits and backgrounds of two opposite types of people in an opposite direction. After many failed attempts, on Easter Sunday (4/17/22), the group was ordered to erase my memory altogether in order to create better receptivity for a new one. On 4/27/22, the group discussed about their overnight failure in performing brain legions surgery (by using non-invasive "invisible" technology that had been administered by a self-claimed Korean Naval Officer) on the top part of my brain. By doing so, they were trying to obtain sufficient materials for the creation of an exact replica of my body and mind. In fact, I woke up in the morning feeling bumps all over my frontal brain area. Enough of horror for me, but as casual as ordering a cup of coffee for this mysterious group of Koreans. On the same day, the group warned one another to watch out for the thermal cameras possibly monitoring their movements from unknown sources outside.

Furthermore, I had spent more than 5 years of my life, homebound and utterly devastated, from the aftereffects of vertigo that had occured seconds after hearing a mysterious sonic sound one night (later, I got a help from internet instructions for rebalancing inner ears). In addition to their tech gadgets, there's a hint of occultism practiced here, as indicated by their invisible mobility (their presence only evidenced by their excessive toilet usages, the amount of foods stolen on a daily basis, and bodily injuries inflicted on my body, especially in my ears, brain and spinal cord), their periodic shamanic chanting, and seeking guidance from Oracle. Additionally, for some unknown reason, the group addressed my son's circumcision as an issue of contention, and determined it to be a part reason to continue their experiment on our family. Throughout the program, they continuously schemed to cause a rift between mother and son by use of technology, gaslighting and other trickeries. I hope that your awareness of this situation will bring about more fruitful and ethical environment in your area of concern, as well as for many who are suffering silently. Thank you in advance. Peace be with you.

mature age, I have decided to share the story with you. Below, I have briefly described what I had witnessed during the past 45 months.

I would like to draw your attention to the following matters:

1. I reside in 7720 Greenwood Ave., Seattle, WA 98103, right above a commercial unit leased by Illumination Learning Studio (Children's Daycare Center.) I am a single woman of Asian background in her mid-60's. After accumulating some experiences in homemaking, literary translation and community services, I have finally settled down in stocktrading for income, in order to utilize my doctorate training in mental health, free of financial concerns. For some unknown reason, during the past 11 years, all of my endeavors to contribute to my well-being and that of our community have been systematically and persistently sabotaged by the said group of mysterious nature. Despite their interferences, I had been able to generate a small income to cover my bill payment and to participate in community, until this group forcibly intruded my home approximately 4 years ago.

Presently, all of my routine activities -- income generation, interpersonal and community outreach, and daily walking and exercises -- have been reduced to null, because of their persistent criminally-oriented disturbances (e.g. shooting multiples of tiny marbles at my back in the middle of walk that induced symptoms mimicking heart attack, or torturing the lower back area of my brain whenever I socialized with others, or using my bank account login info in their numerous attempts to empty my account at night.

2. In August, 2018, ILS invited a group of multi-racial (largely Koreans) "entertainers" for a 2-week non-stop chanting sessions. Afterward, Mr. Michael Piper (the owner of ILS) instructed the group to "make a lot of noises" from the walls (in order to drive me insane), and then the group started an on-going surveillance through the wall units throughout my condo. Calling it Bathroom Ridicule Game, they positioned their surveillance equipments to occupy all bathroom walls, and incessantly made fun of my naked body parts in the bathroom. (For instance, a Korean girl named Rachel called for others to join in by laughing out loud, "She's cleaning vagina.") I also overheard them talking about the possibility of using the Satellite surveillance technology from a distance. The group displayed an out-of-reality mentality, by addressing me as a 'human sacrifice,' and by scheming to 'confiscate everything' at the expense of my life.

During the past four years, they have used electronic brain torture, microwave heat torture, incessant insect bites of various kinds, and bladder/vagina/rectum stimulation. More importantly, they have been disturbing my sleep by employing nightly electric shocks, and dream insertions (often with a form for me to provide my Social Security Number in). In April, 2019, I became very ill and went into projectile vomiting all night long, losing 8 pounds overnight. When I finally recovered from the illness, I heard the group reporting to their superiors that it had been caused by arsenic rat poisoning slipped into my food at the previous night. Their superior (an elderly American male) then responded, "She's resilient."

Up to now, I have gained more than 100 visible scar marks due to nightly stabbing and biting from top to bottom of my body. The Korean-speaking group also engaged in nightly violation of my private body parts by crawling under my blanket and intruding my body in the form of parasite.

They have also sent Korean-American orphan girls (initially Clara and Rachel, and later two other Korean girls, 24 and 45 of age) to live in my unit, partly in order to infect me with Gonorrhea virus -- by ordering a 24-year-old Korean girl with gonorrhea virus to submerge in my bath water while bleeding in her menstrual period -- and partly for the purpose of disabling my daily functioning -- by means of painful torture, constant harassments at the sight of food, and invasion of privacy with criminal intent. Nowadays, all Korean females (currently, minimum 5 of them) have been ordered to mix their urines and saliva with those of mine as a way of mixing their DNAs with mine. As a result, their urines, sometimes their feces, have always been sitting in my toilet bowl, unflushed, at all hours for the past eight months. Even though I cannot see them, I can still hear them jumping around, knocking things down, and constantly discussing about which food or clothing to steal from my home. Until recently, I was forced to clean up after their messes -- finding fingerprints of various kinds (those of human adults and children, animal pawprints, or elongated nail prints without a thumb, etc.) on the edges of fridge doors.

Furthermore, the said group has filmed on-going sessions of tortures and harrassment scenes in the name of Murder Mystery Reality TV Series, and has regularly invited young audiences for its viewing. One of the ILS female employees even cheered their guests by saying, "You have to watch it. It's really, really fun to watch it." Nowadays, they're filming "everything" under the instruction of an American female in her late middle-age.

3. What has led me to suspect their other-worldly nature were:

A. The ability to intrude my upstairs unit from their downstairs commercial unit through walls -- for instance, walking to and from my dinner table (I can only see their moving footprints on the carpet while they're walking away,) and then disappearing through closed glass doors of fireplace, still spilling food all the way,

B. The ability to invade a zippered bag in order to steal IDs, credit cards, bank documents and diary books, and to copy all stacked items and pages as seen in 3-D printing. For instance, I heard them reading aloud my personal journal, email correspondence, or my childhood photos, and discussing their contents, while they were still in my possession.

C. The ability to jump into boiling foods and beverages and consuming them with noisy gulp directly from stoves, or biting off an apple and eating its meat aggressively without breaking its skin (clearly audible only through the speaker of my phone),

D. Their transformation into a form of tiny parasite or worm when consuming foods and liquids but in the amounts of too large for their sizes, and their tendency to nibble on my fleshes and drinking blood with loud noises, and to crawl into my organs via private body parts (while still communicating in Korean language with one another, such as "Don't move," "Penetrate," or "Get out"),

E. Their violent reactions to either Sage burning or Peroxide spray,

F. Their employment of 'humming' technique for the purpose of healing or recovery from weakened physical state,

G. Their humanly impossible degree of evilness in their thoughts and behaviors, continuously plotting murder schemes and torture ideas as casually as breathing (For example, a 45-year-old Korean woman has been leading a parasitic lifestyle, living off my home for the past 11 years -- wearing my freshly laundered underwear and tossing them back unwashed, indulging foods from my kitchen all day, and defecating in my toilet several times a day without cleaning it once. During her prolonged stay, she relentlessly tortured my brain, ears and spinal cord in a sadistic manner, and wrecked my life ruthlessly. Instead of showing a sign of guilt or remorse, she's still maintaining her belligerent mindsets and behaviors, saying "You little mouse trapped in a jar," "You cursed life, everything's taken away from you," or "I'd be glad to occupy her body, and I want to have everything she has,")

H. Their ability to follow me around (invisibly) everywhere, be it a bookclub meeting or a bank, and to report back to their bosses regarding who I met, what I discussed with others, how much I spent, how much my bank balance showed, and what I typed in my cellphone, not to mention my bank account numbers, pin numbers and email passwords,

I. Their unusual surveillance technique -- one person turning on a switch using a cell phone from a parked car, and the other climbing up my street-side windows invisibly (but still making visible dents in the windows), often shouting, "higher, a little higher," (Afterward, the former exits the car and returns to ILS, while the latter remains attached to my window for surveillance and for electronic torture on my brain.)

J. Their mysterious changeability in their apparence -- For instance, while I was strolling in my neighborhood, I spotted a skinny-faced Asian woman about a quarter-block away taking a photo of me. When I got closer to her, her face turned into a round-faced Latino woman, to my surprise. I quickly captured her image in my cellphone anyway, only to learn later that my initial impression of her apparence was correct. A few hours later, while being charged, my phone died permanently,

K. Their total reliance on mimicry in whatever they do, even in the choices of music for

their humming practices or foods that they eat, and their obsessive attempt to instantly download someone's brain power instead of working for it themselves, and

L. Their discussion about how to steal corona virus strains from hospital labs and spread them throughout the U.S. sky, and their employment of "alien" language -- spoken in an ultra-high speed -- when communicating with their higher-ups,

For the past two and a half years, I've learned the following matters:

1. The Illumination Learning Studio (children's daycare center) has been collaborating with Japanese-Korean gangsters (addressing their boss as 'o-ya-bong), though they had outwardly identified themselves as diplomats from Los Angeles, Hyundai Merchant Marine executives, professors from Korea, Navy lieutenants, or KCIA Intelligence officers,

2. The group is in possession of high-tech equipments, which have been used as tools for intrusion, torture, 24-hour surveillance, mind-reading, dream-insertion, as well as for their attempts to introduce Alzheimer's, heart attack, serious lung diseases, blindness, spinal cord injury, infectious diseases, facial and bodily disfigurement, premature aging internally and physically, incubation of their parasites in their host's umbilical cord -- all of the above physically experimented in my body, and

3. The group has been protected and supervised by numerous middle-aged men and women, both Americans (mostly blond or silver-haired) and Koreans (some with North-Korean accent), who do not seem to feel awkward at all about watching through my bathroom walls and making comments about my naked body parts. In fact, their American supervisors have consistently displayed an extreme degree of racism, by treating me as a lab animal for them to experiment "to the end" with no sign of remorse on their part, and also by labeling their Korean counterpart, "Subhuman Categories" or even "These Dirty Koreans."

The group initially started the program in 2018 with the intention to induce Alzheimer's in my brain by "messing up inner ears" -- the exact words used by one of the Korean group members named Rachael -- and then to force me out to the street as a homeless woman and at the same time to drive my son to suicide (according to the confession made by Max, an African American male technician of the group, who, I believe, later suicided himself, after Rachael's body had been carried out for organ donation by Michael Piper in his cream-colored van with ILS logo on it.)

In early September, 2021, I overheard a 45-year-old Korean female (who had been the most sadistic torturer throughout the program) reporting to her superior, "Jiyi (the same first name shared by my niece and CEO of Hyundai U&I), it's all over now. We've got exposed." Within the next 48 hours, her immediate boss arrived in Seattle, and, without

delay, spreaded a rumor that my finger movements were unusually clumsy, seemingly implicating cognitive degeneration. That night, I happened to notice a water pouch developing in the palm of my right hand, whose color turned from red to black overnight. Prompted by my nail, it fell off to reveal its external nature and my skin underneath it intact. On 1/14/22, the same individual informed her co-workers that she had expended all of their available funds for repeated briberies offered to the law enforcement and other Americans involved in the program. On the same day, a Korean male in his 40's -often speaking in North Korean dialects, living with a daughter aged about 10, posing as a Naval Officer, and acting as a mastermind behind the program -- persuaded the group to stay. He reminded them: "The Chairperson, Hyun Jungeun, rescued our lives. We owe her that much." In the early morning of 2/2/22, the same person reported back to his coworkers: "I couldn't get into the facility(?), because the entry was blocked by iron fences." On 2/4/22, an overnight visitor to ILS was horrified at the news of unruly behaviors displayed by the Korean group -- urinating casually in the living room, incessant brain torture for 24 hours, ongoing nightly burglaries, multiple Korean girls scooping up foods directly from our dinner table, etc. Upon hearing his complaint, a Korean female supervisor in her 30's defended the group: "They are Psychological DV's. They are protected." As of 3/1/22, the 45-year-old Korean female, mentioned above, urgently requested, to an unknown American female supervisor, a formal status as a North Korean asylum seeker in the U.S., after she had watched me frantically searching for the email addresses of National Intelligence Services of South Korea (the very agency that she had previously claimed to be agent of).

All throughout the program, they discussed: murder, false diagnosis of schizophrenia by use of bribery, and covering up someone's embezzlement -- first by eliminating me, then framing me for embezzled funds by using my identification information and forging documents. (They have in their possession all copies of my financial and personal documents except Social Security Card, my official signature, plus my finger and palm prints, and the closeup photos of my irises, not to mention multiple videotapes featuring my sleeping face, and my private parts while using toilet, which they view during the night.)

The owner of ILS alone, who used to be called Chicago Boss in 2010 by his recruits in the streets of Pasadena, California, had specialized in identity thefts and spy training, and had lured the unemployed people of various ethnic backgrounds, by advertising, "If vou're really, really good, vou'll be sent to Korea." After enduring a year of having been a main object of their spy training (mainly focused on surveillance and sabotaging techniques), I finally sent an email report to FBI Los Angeles Branch in January 4, 2011, describing their surveillance activities of criminal nature, such as trading their illegallyobtained creditcard information in an underground market, in my Old Pasadena neighborhood. Within a few days, I was no longer their training object but became their sole object of harassment, severe enough for me to ditch my California home and escape to Seattle in 2012, only to find them again in 2013 setting up a shop right below my condo unit in Seattle. A female recruit in her late 30's from Los Angeles (driving a maroon-colored SUV and carrying two guns in holders) not only successfully blocked my emails to DHS and FBI, but also managed to pretext my bank account in order to transact money transfer to their account. Borrowing their own words, the ILS group has "Octopus hands," reaching far and wide throughout the Phinney Ridge community of Seattle, Washington.

On 3/27/22, while engaging in light treadmill exercise, I felt a sharp pinch in my right arm. Within a couple of hours, the size of my arm expanded to 1 1/2 times its normal

size in width, with red patches all over. By the next morning, its skin texture has noticeably thickened and roughed to feel like that of an alligator. From its pores, a variety of black-colored substances spilled out -- tiny thorns and grains, and thin tapeworm-looking creatures with segmented bodies. Soon, other limbs were developing a similar symptom, but in a lesser degree, with the help of a magnet placed on the spots where the sharp pinch had been detected. When the owner of a silver-gray SUV with license plate 'BTS3243' (an American female in charge of this monstrous experiment) visited ILS in the afternoon, a 45-year-old Korean woman reported to her, "I put my right arm in her, but ..." Since then, for the next two weeks (until I finally regained my arm), I experienced a symptom mimicking that of minor stroke in my limbs on six separate occasions. I photographed the most affected limb, and tried to consult our local online medical community, but they kept blocking all of my emails containing those photos. I'm afraid that I'm dealing with an alien technology here, though I wish not.

Thank you very much for granting extraordinary patience by reading my email this far. Thanks, again.

From: Carly -Sent: 4/22/2022 5:32:51 PM To: DOH WSBOH Cc: Subject: THANK YOU!!!

External Email

Thank you for not requiring the COVID vaccination for children. I'm sure there was plenty of pressure to do so, but I appreciate that you have left this decision in the hands of parents and not forced them to make a decision to vaccinate if they do not believe it is in the best interest of their children. Thank you for allowing children to continue to participate in activities such as athletics without having to be vaccinated. The damage the last two years have left on all of our children in large part because regular activities were suspended is enormous. Thank you for not adding to the trauma and turmoil for families, as well as taking into consideration all of the information that we now know about who is most at risk for severe disease from COVID.

Sincerely,

Carly Greenland

From: Verna Sent: 4/29/2022 10:31:17 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: animal waste

External Email

Hello,

Please delay the Draft Policy proposal in June so that a work group/task force is formed to vet out BackCountry Horsemen's concerns..

Thank you for your consideration of this,

Verna McLeod

From: william sawaya Sent: 4/21/2022 1:32:16 AM To: DOH WSBOH,DOH Secretary's Office Cc: Subject: Thank You for Listening to the Citizens of WA State

External Email

Dear BOH Members: Thank you for listening to the concerns of us as citizens of Washington State and for voting to adopt the TAG's recommendation to not add the COVID-19 vaccine to Washington's list of required immunizations for child care and school entry at your April 13 virtual public meeting. We are confident that the emerging scientific data will continue to affirm your decision. Thank you for your thoughtful consideration in your role to protect the health of the children in our State. respectfully, From: Colen Corey Sent: 3/30/2022 7:17:54 AM To: DOH WSBOH Proposed Animal Waste Rule Cc:

Subject: Manure flushed down from horse boarding facility



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attachments\E6726E356DB34E7E\_image2.jpeg

attachments\43ED736001A44052\_image4.jpeg

attachments\409F938C3601456A\_image1.jpeg

External Email

Good morning

I'm glad to see this proposal especially for regulations and CPU for horse boarding facilities that have tributaries or wetlands on the property. I have contacted you before of large amounts of horse manure flushed down onto our pastures from ARD horse boarding facility. The seasonal tributary to little Anderson runs through their property and travel through 3 of our pastures. I remove all trace of manure each day on our property and we do not put any horses or cows in pastures where the seasonal tributary flows, mainly from late October to around this time.

I am in constant contact with the Health District and WA ecology on this matter along with the Conservation District so called "farm plan".

Most farm/ranchers are excellent care takers of our streams and create sustainable farming/ranching, but those who blatantly disregard or have no respect only amounts of money to be made make it hard for those who follow rules.

Thanks for putting this on the docket and helping neighbors to these abusers have a legal right to clean water flow onto there property.

What will be the legal fines? The people that do these things need to be accountable. Respectfully

Joanne Corey

360.633.6699

Sent from my iPhone

From: PCCBCH Memberships Sent: 4/27/2022 12:36:47 PM To: DOH WSBOH,wsbohproposedAnimalWasteRule@wsboh.wa.gov Subject: Public Comment - Keeping of animals

#### External Email

There are many issues/concerns that are unresolved from the last meeting on Monday the 26th of April. I am requesting that you postpone the draft proposal from June's hearing. I suggest that you allow a work group/task force of stakeholders to convene and sort out the concerns of this draft proposal.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Please consider these concerns about the "Keeping of Animals" issues.

Thank you,

Ron/Barbara Downing

253-312-1072

Sent from Mail <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F% for Windows

From: Stephen Puskorius Sent: 4/23/2022 10:58:52 AM To: DOH WSBOH Cc: Subject: Commit to no COVID vaccine mandates on children

External Email

Dear Washington State Board of Health,

I urge you to accept the TAGs recommendation and choose to NOT mandate covid vaccines on our children. Our state government should NOT be mandating Covid vaccines on our children. They are at extremely low risk for Covid and these medical decisions should be left in the hands of parents and their family doctors.

Sincerely,

The Citizens of Washington State

From: Sandra Brabant Sent: 4/27/2022 10:53:32 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposal

#### External Email

I think this a great idea, if there is adequate support. In my area there is no cost share availability, nor any place that takes waste. I worked with the conservation district in my area and they gave me plans for an appropriate size compose bin. The cost to build was \$15,000. That didn't include anyway to get the manure out, or anyplace to put it. I have spent at least 25,000\$ for a containment area, compost bins, and small tractor. I still at 57 years have to spread it myself. That is for 2 horses.

I used to live in King County Washington. Farm plans through the conservation district were free, and they cost shared 50%. They had a manure spreader that could be borrowed. With the pandemic and inflation, people are struggling financially. People aren't going to be able to afford what you are asking them to do.

So I think this will just create more problems than it helps.

Long term planning would be better. Help conservation districts have cost share funding. Get locations to take waste, help livestock owners financially to comply, and they will do it willingly. Animal waste is a difficult problem for everyone.

Sent from my iPhone

From: Linda Daniels Sent: 4/28/2022 11:24:56 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Please postpone

External Email

Please hold off till June on this issue, there are unresolved issues. Sincerely, Linda Daniels

Sent from Yahoo Mail for iPad <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foverview.mail.yahoo.com%2F%3l">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foverview.mail.yahoo.com%2F%3l</a>

From: Evelyn Prill Sent: 5/5/2022 12:00:41 PM To: DOH WSBOH Cc: Subject: Public Comment - Immunization Criteria for Child Care & School Entry

External Email

To Washington State Board of Health,

My understanding is that you will be discussing Immunization Criteria for Child Care & School Entry at your next meeting on Wed, January 12th.

I would like to express my DISAPPROVAL of mandating Covid shots for childcare & school entry. Please remember that children are at extremely low risk for Covid and that the vaccines are still only for emergency use authorization. These injections should absolutely not be a requirement for our children for childcare or school entry.

I do hope that you as the Washington State Board of Health do the right thing in your decision making in regards to this issue.

Thank you,

Evelyn Prill

Sent from Mail <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F% for Windows

From: Glasoe, Stuart D (SBOH) Sent: 4/29/2022 11:41:31 AM To: DOH WSBOH Cc: Subject: FW: Board Decision on Covid-19 vaccines

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Janet Young <antiejan@gmail.com> Sent: Friday, April 29, 2022 11:36 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: Board Decision on Covid-19 vaccines

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely,

Janet M. Young

Maple Valley, WA

April 29, 2022

From: Rochellie Hadley Sent: 4/21/2022 11:48:22 AM To: DOH WSBOH Cc: Subject: Thank you

External Email

Good morning,

I just wanted to take a few moments to tell you thank you, from the bottom of my heart, for voting in favor of the TAG recommendation to not add the Covid inoculation to the list of required immunizations for children to attend school. I understand that it was not an easy decision but I know in my soul that you are going to thank God for this decision in the future. You truly made the right choice. Sincerely,

Rochelle, mother of 4 young children

Sent from my iPhone

From: sue coffman Sent: 6/2/2022 7:18:06 AM To: DOH WSBOH Cc: Subject: BOH meeting June 8

External Email

To the Board:

I just want to let you know that The People are still watching. It is important that all people continue to have their personal, constitutional, and medical rights upheld in our state, not to mention our country! The blind belief that the only way out of any health care issue is through an injection is just scientifically incorrect. Healthy living, proper eating, and appropriate medical treatment that includes all known protocols are the tools required for people to maintain good health and a vital immune system.

I would also like to express support for your meeting agenda item #13, to amend WAC 246-105-070, Duties of Health Care Providers or Organizations. This well-written petition calls for recipients (or parents) of EUA shots to have fully informed consent prior to any injection.

Look into the actual science that is being shunned and canceled in our society today by the overreaching of our medical establishments as well as our own government. Shame on us.

In truth,

Sue Coffman 714-337-4331 ICWA Team Leader Legislative District #24 https://informedchoicewa.org/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Finformedchoicewa.org%2F&data= From: Heather Feroy Sent: 6/1/2022 9:38:29 PM To: DOH WSBOH Cc: Subject: Vaccine requirement for children

External Email

To whom it may concern,

I understand that the topic of discussion regarding Covid vaccine requirements for children to attend public school will be in the near future, I would like to express my concerns.

I have two children, 7 and 9. Both whom are very healthy. My husband and I became ill with "Covid" twice since April 2020. During those times, our children were exposed and needed to be quarantined. Neither of them became symptomatic, too. They were exposed at school to children who also tested positive and still no symptoms. The children in their classes who tested positive didn't even have symptoms either. But because of "close contact," they were required to quarantine AGAIN!

Because both of my children were exposed with zero repercussions, they do not need the "vaccine!" They have NATURAL immunity because of their exposure. From everything I have read, if a child/adult are exposed, receiving the vaccine is more harmful to their bodies.

Like thousands of other families, I refuse to vaccinate my child against something that did not affect them whatsoever. My children don't receive the flu shot either.

Making a child receive a vaccine to attend school is completely unconstitutional, it's coercion, and it's wrong.

This "vaccine" was rushed during the creation. It's not a vaccine due to the mRNA. This is an EXPERIMENTAL DRUG! There is NO long term data tied to this vaccine to prove its effectiveness. Majority of the individuals who received the vaccines developed heart problems, difficulty breathing, seizures and death!!!!

I support agenda item #13, the citizen petition for rule-making . This well-written petition calls for medical workers who administer EUA shots (such as all the Covid shots), and shots that lack completed Phase III clinical trials (all the Covid shots), to give potential recipients (or parent) specific information prior to vaccination so that fully informed consent (or refusal) can happen.

Thank you for taking time out of your day to read my email,

Heather Feroy

Sent from my iPhone

From: Traci Stewart Sent: 4/28/2022 6:24:26 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals Proposed Rule

External Email

State Board of Health

I am hereby requesting you to remove the draft proposal from June's hearing agenda and suggesting you allow a work group/task force of stakeholders to convene and sort out the concerns before returning it to the agenda.

My concerns include: mixing livestock oversight with non-livestock; unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and many more.

Traci Stewart PO Box 572 Deer Park, WA 99006 From: DOH Information Sent: 4/22/2022 8:54:58 AM To: DOH WSBOH Cc: Subject: FW: Question/Comment from the public

attachments\D4CFA8C3EE2A4B09\_image001.png

Good morning,

Below is feedback on the covid vaccine decision for school children.

Thank you,

**Customer Service Specialist** 

Center for Public Affairs

Washington State Department of Health

DOH.Information@DOH.WA.GOV <mailto:DOH.Information@DOH.WA.GOV>

1-800-525-0127| www.doh.wa.gov <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.doh.wa.gov%2F&data=05%7

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.doh.wa.gov%2FNewsroom%">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.doh.wa.gov%2FNewsroom%</a>

From: DOH Feedback <doh.information@doh.wa.gov> Sent: Thursday, April 21, 2022 9:57 PM To: DOH Information <DOH.Information@DOH.WA.GOV> Subject: Question/Comment from the public

The following survey response is submitted:

1.

Please select one:

Please enter your comments or questions in the space provided below:

2.

To the Washington State Board of Health. Thank you for your hard work over the last two years, and for your latest decision to not add the COVID19 shot to the list of requirements for children to attend public school. You have made the right choice. It seems a few fragments our democratic system may yet be working. One of your members mentioned the loss of public trust as being one of her primary concerns in this process. I heartily agree. As a citizen of Washington State, I have lost all trust in my public officials. This loss of trust began with the Governor seizing power through an emergency declaration and then forcing illogical and arbitrary mandates on me. More than two years have passed and Governor Inslee refuses to give up these powers. His latest reasoning in a long list of everchanging excuses, the need to keep Federal dollars flowing into our state, does nothing to rebuild the public trust. I also lost trust with my state representatives who have looked the other way this entire time, aiding and abetting our tyrannical governor. The loss of trust continued with the Superintendent of Public Instruction, who clearly stated he was pro-covid shot, while threatening any disloyalty to his covid orders with defunding of non-compliant school districts. When asked, State Superintendent Chris Reykdal stated the COVID shot requirement would be made on a statewide basis, undermining the authority of school boards, and therefore eliminating both school administrations and most importantly concerned parents, from the decisionmaking process. Finally, public trust was lost by you, the State Board of Health specifically, through continuing to promote only the vaccines for treatment despite the VAERS data showing ten's of thousands of deaths, and well over a million injuries to Americans from the COVID19 injections. Will the SBOH ever examine whether the vaccines you would be forcing on our children, formulated for the original strain of COVID19 way back in March of 2021, even be effective against the current mutations? (We can see they aren't. Why can't you see that?). Will the board ever discuss the data that clearly shows that children have a much higher likelihood of injury from the vaccine than from the disease? Please look over the latest study from Children's Hospital in Seattle published March 25th, 2022 in the Journal of Pediatrics. Has the board reviewed the benefits of natural immunity, or other options including the clear success of the Dr. Peter McCullough protocals advocating early treatment with safe, inexpensive, and readily available antiviral medications? If you were to ask me, I would tell you the restoration of public trust will begin when you give up the mantra of, "These vaccines are safe and effective", and start having a transparent and truthful conversation with the people, not the politicians, of this state. The thousands of comments from thousands of well-informed parents should be evidence that you are not in possession of all the information. I understand the extreme pressures you are under to support the official government narrative. Yet someday, in the not-too-distant future, we will look back and see this pandemic vaccination program for what many of us believe it to be, a crime

against humanity. In the end, I would want to be remembered for supporting the freedom of choice for the individual citizens of this state, and not in support of a governor who puts billions from the Federal Government before the rights of his constituents. Respectfully, Brett M. Nunn

3.

If you are sending feedback on one of our Web pages, please paste the URL here: (no answer)

4.

Would you like a response?

Tell us how to get in touch with you.

Name: Brett Nunn Email: brettnunn@hotmail.com <mailto:brettnunn@hotmail.com> Telephone: (no answer)

5.

To receive a confirmation of your submission, please enter your email address again in the space provided below.

brettnunn@hotmail.com <mailto:brettnunn@hotmail.com>

From: WCA Executive Vice-President Sent: 4/29/2022 3:02:06 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: WCA Comments on WSBOH Proposed Rule on Keeping of Animals

*attachments*\08916D6A7D6B48A5\_WCA Comments SBOH Animal Waste 042922.docx.pdf

External Email

On behalf of the Washington Cattlemen's Association, thank you for the opportunity for WCA President, Jeff Keane to provide comment on the SBOH proposed rule on Keeping of Animals.



P.O. Box 96 • Ellensburg, WA 98926 • 509-925-9871 • Fax 509-925-3004 WACATTLE@KVALLEY.COM • WWW.WASHINGTONCATTLEMEN.ORG

To: Washington State Board of Health

Date: April 29th, 2022

Re: Keeping of Animals – WAC 246-203-130

Dear Members, Washington State Board of Health:

I was just briefed by our lobbyist that represents the Washington Cattlemen's Association in Olympia about the meeting he attended with legislators and your Chair and staff regarding **WAC 246-203-130** Keeping of Animals.

While we acknowledge the Board's efforts to address grazing, we stand by our original assertion that this is unnecessary rulemaking on an already heavily regulated industry. In addition, we would point out the following:

### Outreach on the Small Business Economic Impact Statement appears to be woefully inadequate -

I cannot name one rancher that was reached out to on this issue, and I don't believe receiving 41 responses out of 1000 contacts really meets the straight-face test as far as stakeholder input.

## Likely violates the state's Right to Farm law -

Unfortunately, in today's world, farmers and ranchers are often under attack from some in the environmental community, who don't seem to fully understand production agriculture. This has led to much consternation when urban-minded citizens move from city to country and don't find it to meet their idyllic vision. Fortunately, farmers and ranchers are protected by the state's 'Right to Farm'' law. However, we fear this new proposal may be used as another tool to attempt to drag ranchers into court.

# While we acknowledge the attempt to address grazing, there needs to be stakeholder input to clarify terms-

The current proposal references "free-range grazing", which is a term unfamiliar to us. We use the term "open-range grazing". In addition, an earlier version included pasture grazing and yet was removed from the current proposal. While open-range grazing would describe grazing where fences are built to keep livestock out, we would consider pasture grazing to describe fences being built to keep livestock in. This needs further discussion with stakeholders.

# The WCA requests that the Board delay action on this proposed rule and create a workgroup with key stakeholders –

Rural citizens deserve a voice on the Board that can speak to agriculture and rural issues. We don't believe that currently exists. To balance that, we would request that a stakeholder workgroup that can



speak to the proposed rule with expertise in agriculture issues, be included as members of the workgroup.

Sincerely,

Jeff Keane

Jeff Keane, President Washington Cattlemen's Association From: Susan Turner Sent: 4/27/2022 11:40:08 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: More time needed

External Email

Please postpone the draft proposal from June's hearing and allow a work group/task force of stakeholders to convene and sort out the concerns.

Susan Turner

<https://drive.google.com/uc?id=10\_-UVJH0W9V\_A6pSq64y4xzzQr\_QlJzl&export=download> From: Becky Conway Sent: 4/19/2022 7:12:22 AM To: DOH WSBOH,DOH Secretary's Office Cc: Subject: Thank You for Listening to the Citizens of WA State

External Email

Dear BOH Members: Thank you for listening to the concerns of us as citizens of Washington State and for voting to adopt the TAG's recommendation to not add the COVID-19 vaccine to Washington's list of required immunizations for child care and school entry at your April 13 virtual public meeting. We are confident that the emerging scientific data will continue to affirm your decision. Thank you for your thoughtful consideration in your role to protect the health of the children in our State. respectfully,

Sent from my iPhone

From: Diana Putney Sent: 4/28/2022 2:02:13 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals on a rural farm

External Email

To Whom it may Concern

I am a member of the Island County Back Country Horsemen and own and live on a farm in a rural area, we have 4 horses and no other livestock. The horses each have their own stall and paddock and we have a pasture for turnout during the day. We clean all the horse manure in the paddocks, stalls and pasture every day and it is dumped into our two compost bins. The bins have cement floors and cement blocks for the sides. The compost is hauled out by a friend who has a front loader and a dump truck and uses the compost for his gardens. We do not spread any of the manure on the pasture. Our horses are fed quality Timothy hay and alfalfa pellets have water tanks that are kept clean. There are not any streams or lakes in the area where we live.

Sincerely

Diana Putney Edgewood Farm, Langley, WA From: Alan Hansen Sent: 5/8/2022 12:24:43 PM To: DOH WSBOH Cc: Subject: Commit to no COVID vaccine mandates on children

External Email

Dear Washington State Board of Health,

I urge you to accept the TAGs recommendation and choose to NOT mandate covid vaccines on our children. Our state government should NOT be mandating Covid vaccines on our children. They are at extremely low risk for Covid and these medical decisions should be left in the hands of parents and their family doctors.

Sincerely,

The Citizens of Washington State

From: John Pavlick Sent: 6/1/2022 11:45:13 AM To: DOH WSBOH Cc: Subject: Covid shots for school aged children

External Email

To the members of the Washington State Board of Health,

Due to the current "leadership" (or rather lack thereof), in this state and country, I have lost all faith and trust in almost all of its agencies.

The Board of Health with its cookie cutter management approach to the covid issue is key amongst these.

I greatly recommend that the Board focus on trying to rebuild this trust with the public instead on forcing more draconian policies down our throats.

I applaud your decision to not mandate covid vaccinations for children. That was a small step in the right direction.

Keep the public informed and listen to our concerns. The Board ultimately relies on us, the taxpayers and parents. Do not abandon or ignore our concerns.

Politics and personal bias need to remain put of public health decisions.

I absolutely despise threats and there should be no place for them in the public

discourse. I recall a board member scolding parents after the last zoom session, saying much the same thing. However, what do you think was going to happen? The BoH and the "leaders" of this once great state are threatening our children! The elimination of attitudes such as his and some modicum of self awareness on his part is in order.

There is a massive amount of information coming out now in regards to the efficacy of the covid vaccines. They are not "safe and effective" like the mantra every Board member must utter. Do some more research and use common sense. "Following the science" is the 2022 version of "I was just doing what I was told". We all know how that worked out.

We are sick and tired of self-righteous busybodies telling us what is best for us and our own good.

Stay away from our kids. Keep us informed. Listen to us. Don't threaten us or our children. Do research. Use common sense.

Sincerely,

John Pavlick

Concerned Parent and frustrated taxpayer

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From: Trudy Jerdal Sent: 4/19/2022 6:27:16 PM To: DOH WSBOH Cc: Subject: Thank you for listening

# External Email

I am so grateful that you listen to the parents, grandparents and concerned community regarding the mandatory vaccination for Covid. We have all had grave concerns and I am gratified to know that there is a body I've leaders who is willing to trust and listen to the hearts of the people who are responsible for these children. God bless you!

Trudy Jerdal mother/grandmother of 11

From: Rosemary Corn Sent: 4/26/2022 3:03:04 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Manure handling proposal

# External Email

Please postpone June meeting until we attain more information. Thank you Rosemary Corn of rattlesnake ridge riders backcountry horse man group .

From: A.D. Henkens Sent: 6/1/2022 1:05:22 PM To: DOH WSBOH Cc: Subject: Do not add covid shots for school requirements!

# External Email

I am 100% against covid shot requirements for students to attend school. This should be a choice for families!

Does it work or not? Those taking the shot should have this choice for themselves, period. This shot does not make the different versions of covid more or less contagious to other people, period.

There is also unintended consequences of requiring booster after booster, and what happens is vaccine exhaustion and the body is weakened by these shots.

Healthy children are not at risk by getting covid. Covid shot is not a shield from getting covid, not from spreading it.

If someone has symptoms, they need to stay home and take care of themselves.

Do not require this covid shot to anyone ! It needs to be choice!

From: Mark - Alan: Tisland @ CLG / NATF Sent: 4/28/2022 6:02:06 PM To: Cc: Subject: Herbalist's Charter of Henry the VIII, 1543 A.D.

External Email

According to Ralph Fucetola, JD, "When the American Colonies declared their independence as Sovereign States, in July, 1776, they each adopted the Laws of England as the Common Law of the State. Among the Laws of England so adopted is the Herbalist's Charter, an Act of Henry the Eighth (in the Eighth Year of his reign). It is astonishing to note that many of the issues confronting alternative practitioners today are the same issues which the Act of Parliament addressed. In the Sixteenth Century, as in the Twentieth Century, licensed physicians and surgeons were going to Court to ban the activities of the alternative practitioners of their day, the herbalists. Parliament ordered an end to this misuse of the Courts to enforce licensure, protecting the nutritionists from "suit, vexation, trouble, penalty, or loss of their goods..." This ancient Act of Parliament applied to England and the King's "other dominions" including, of course, the American Colonies, and later, States. This Act has never been repealed, and thus remains part of our Common Law to this day, offering protection to alternative practitioners, "at all Time from henceforth..." as a perpetual Charter of Rights." This Charter is referenced on PubMedCentral at: PubMed NIH 1543 Charter <a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.pubmedcentral.nih.gov%2Faites.pdf">https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.pubmedcentral.nih.gov%2Faites.pdf</a>

The text of the Charter reads:

Herbalist's Charter of Henry the VIII, 1543 A.D.

"An Act that Persons, Being No Common Surgeons, May Administer Outward Medicines" "Where in the Parliament holden at Westminster in the third Year of the King's most gracious Reign, amongst other Things, for the avoiding of Sorceries, Witchcrafts and other Inconveniences, it was enacted, that no Person within the City of London, nor within Seven Miles of the same, should take upon him to exercise and occupy as Physician or Surgeon, except he be first examined, approved, and admitted by the Bishop of London and other, under and upon certain Pains and Penalties in the same Act mentioned;

"Sithence the making of which said Act, the Company and Fellowship of Surgeons of London, minding only their own Lucres and nothing the Profit or ease of the Diseased or Patient, have sued, troubled and vexed divers honest Persons, as well as Men and Women, whom God hath endued with the Knowledge of the Nature, Kind and Operation of certain Herbs, Roots and Waters, and the using and ministering of them to such as been pained with customable Diseases, as Women's Breasts beings sore, a Pin and the Web in the Eye, Uncomis of Hands, Burnings, Scaldings, Sore Mouths, the Stone, Strangury, Saucelim and Morphew, and such other like Diseases; and yet the said Persons have not taken anything for their Pains or Cunning, but have ministered the same to poor People only for Neighborhood and God's sake, and of Pity and Charity: "And it is now well known that the Surgeons admitted will do no Cure to any Person but where they shall be rewarded with a greater Sum or Reward that the Cure extendeth unto; for in the case they would minister the Cunning unto sore People unrewarded, there should not so many rot and perish to death for Lack or Help of Surgery as daily do; but the greatest part of Surgeons admitted been much more to be blamed than those Persons that they troubled, for although the most Part of the Persons of the said Craft of Surgeons have small Cunning yet they will take great sums of Money, and do little therefore, and by Reason thereof they do oftentimes impair and hurt their Patients, rather than do them good.

"In consideration whereof, and for the Ease, Comfort, Succour, Help, Relief and Health of the King's poor Subjects, Inhabitants of this Realm, now pained or diseased: "Be it ordained, established and enacted, by Authority of this present Parliament, That at all Time from henceforth it shall be lawful to every Person being the King's subject, having Knowledge and Experience of the Nature of Herbs, Roots and Waters, or of the Operation of the same, by Speculation or Practice, within any part of the Realm of England, or within any other the King's Dominions, to practice, use and minister in and to any outward Sore, Uncome Wound, Aposelmations, outward Swelling or Disease, any Herb or Herbs, Ointments, Baths, Pultess, and Emplaisters, according to their Cunning, Experience and Knowledge in any of the Diseases, Sorea and Maladies beforesaid, and all other like to the same, or Drinks for the Stone, Strangury or Agues, without suit, vexation, trouble, penalty or loss of their goods;

"The foresaid Statute in the foresaid Third Year of the King's most gracious Reign, or any other Act, Ordinance or Statues the contrary heretofore made in anywise, not withstanding."

Know your Rights or you will not know what is being pillaged from you by others and your own "government".

Interesting side note to any not aware: The Greek word: "pharmakia" is where we derive our modern term: "pharmacy" and "pharmaceutical". The transliteration of Greek to English is: 1) Sorcery; 2) Poison

Tiz @ CLG / NATF

I am

Sovereign by nature of existence; not of license nor statute, and it does not take leave based on administrations, nor does it suffer deprivation due to jurisdiction. Sovereignty remains while policies change.

"They" say that Life is what you make it.

What are we to do, upon confirmation that "they" are Liars?!

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From: Janice W Sent: 4/26/2022 3:12:48 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Delay needed

External Email

The draft proposal on the keeping of animals and their waste products needs to be postponed. Having this on the June's hearing is rushing things to much as there are many unanswered questions. I believe that a work group needs to be formed that can address the many issues involved. Mixing livestock oversight with pets will not work. There needs to be uniformity of enforcement across the board, not leaving the decisions up to each individual health officer. These are just some of the many issues with this proposal.

Sincerely, Janice Williamson

Owner of a dog, a cat, and a horse.

From: Dan DeGroot Sent: 5/26/2022 12:26:32 PM To: DOH WSBOH Cc: Subject: My Public Comments

#### External Email

This 'rule' was originally designed for "Keeping of Animals" in an urban setting. Facilities located in an agricultural zoned area should be exempt if there is a regular inspection of the facilities by one or more state or Federal agencies.

I have a dairy facility that is inspected by the Grade A Milk Inspector several times annually and includes inspection of manure and animal housing areas to ensure there is not excessive stockpiling of animal nutrients. I am inspected regularly by the Nutrient Management Inspector from the Washington State Dept of Agriculture. I maintain a Federal Confined Animal Feeding Operation (CAFO) Permit that is regulated by the EPA, the Washington Department of Ecology and the Washington Department of Agriculture. I had been involved with air quality plans and inspected by the Yakima Regional Clean Air Authority. I believe that I am well inspected and watched closely by both the State, Federal and Local governments.

Not providing exemption to those with regulated facilities in ag zoned areas will only cause confusion, to all those inspecting and being inspected, by adding another set of rules. This type of rule is being promoted by those who have a bias against dairies and animal agriculture. This is a broader topic that should not reside with the Local Health District.

Dan DeGroot Skyridge Farms From: Ken Harp Sent: 5/16/2022 11:04:57 AM To: DOH WSBOH Cc: Subject: Petition to Amend WAC 246-105-070

*attachments*\398C31E2108E4338\_WAC 246-105-070 Amend Petition\_KH\_20220516a.pdf

External Email

Greetings Washington State Board of Health,

A Petition to Amend WAC 246-105-070 is attached and provided in accordance with RCW 34.05.330 <hr/>
<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.leg.wa.gov%2Frcw%2Fdefau

If you have any questions and/or comments regarding this Petition please feel free to reach out.

Respectfully,

Ken Harp

13920 93rd Avenue NE

Kirkland, WA 98034

206.218.7639

From: Yael Kantor Sent: 6/1/2022 11:46:27 AM To: DOH WSBOH Cc: Subject: Covid shots

External Email

Dear members of the BOH

Please show us the science supporting injecting children who have zero risk of dying from covid with a vaccine that has no long term safety data and has many severe side effects such as myocarditis.

There is zero benefit of this vaccine in anyone under the age of 65. It does not prevent transmission or infection. Breakthrough cases are prevalent in the fully vaccinated and boosted.

Please read through the Pfizer documents. 1200 people died in the testing. There is far too much unknown to risk our children's lives with this product. Again for what? Recommending this shot to any age group is ridiculous. Mandating it would be criminal.

I support agenda item #13, the citizen petition for rulemaking . This petition calls for medical workers who administer EUA shots (such as all the Covid shots), and shots that lack completed Phase III clinical trials (all the Covid shots), to give potential recipients (or parent) specific information prior to vaccination so that fully informed consent (or refusal) can happen. We are now seeing the devastating effects these vaccines have had on the lives of some people - informed consent is an absolute must.

It's time to stop catering to big pharma. These children's lives and future are in your hands. Make the right decision.

Thank you Your constituent From: Glasoe, Stuart D (SBOH) Sent: 5/4/2022 9:57:40 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: CR 102 Domestic Animal Waste

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: DOH WSBOH <WSBOH@SBOH.WA.GOV> Sent: Wednesday, May 4, 2022 9:21 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: FW: CR 102 Domestic Animal Waste

Hey Stuart,

Forwarding a comment pertaining to KoA that Kaitlyn received on Sunday (see attached).

There were 2 other emails about KoA sent last week from people. I saw that they emailed the WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov> those times so I didn't forward to you directly – did you see those? Those two were sent from Saundra Richartz and Ron/Barbara Downing (PCCHCH Memberships).

Nathan Thai

Communications Consultant

Washington State Board of Health

Nathaniel.Thai@sboh.wa.gov <mailto:Nathaniel.Thai@sboh.wa.gov>

360-463-8928

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, Twitter <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0

Message was attached to: FW: CR 102 Domestic Animal Waste

From: Donahoe, Kaitlyn N (SBOH) Sent: 5/1/2022 6:04:37 PM To: DOH WSBOH Cc: Subject: Fwd: CR 102 Domestic Animal Waste

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From: Jon Borcherding <jonreadsitall@protonmail.com> Sent: Sunday, May 1, 2022 3:32:34 PM To: Donahoe, Kaitlyn N (SBOH) <kaitlyn.donahoe@sboh.wa.gov> Subject: CR 102 Domestic Animal Waste

External Email

The Washington State Board of Health has chosen a remarkably inopportune moment to address what is described as a long-standing issue.

With supply-chain problems and fertilizer shortages affecting the global food supply, many experts including the Biden Administration are predicting food shortages. The recent destruction of at least 12 major food production plants will likely also contribute to food shortages. The nation's railways are refusing shipment of nitrogen fertilizers during the current planting season. The FBI has just released a bulletin outlining the threat of cyber attacks against agricultural facilities. There is NO shortage of threats to America's food supply.

In addition to the looming specter of food scarcity is the alarming rate of inflation which disproportionately impacts the poor by making food more and more unaffordable.

In an effort to stave off shortages and hunger, many homeowners are engaging in small scale food production i.e., vegetable gardens, raising chickens, rabbits, pigs, goats, sheep, etc. Any new regulation that impedes the homestead production of vital food resources is bound to be met with fierce resistance.

In an era when we are experiencing global shortages of nitrogen fertilizers due to foreign conflict, it seems like a good time to review our attitudes about animal waste products and learn to treat them like the resource they are.

There are already laws on the books regarding proper animal husbandry and the Board would be well advised to address current problems within the existing framework. New rulemaking at this time is also bound to lead to increased cost to the taxpayer at a time when we are seeing record inflation.

Has the Board estimated the cost of enforcement of new proposals? Surely there is an awareness that commissioned law officers and search warrants will be necessary to

investigate the disposition of animal waste on private property?

Also at issue is the credibility of the Health Department. It is not reasonable to expect homeowners to accept heavy handed regulation of traditional food production activities on their private property, particularly at a time when homestead food production may be key to survival. One can easily imagine the erosion of respect resulting from any attempt to use government force to hinder necessary farming activity.

I strongly urge the Washington State Board of Health to delay the Draft Policy proposal scheduled for June 2022. I believe it is in the best interests of all citizens that a work group or task force is formed to study the concerns of all stakeholders and advise the Board prior to the drafting or adoption of any new rules regarding the keeping of animals.

Sincerely,

Jon M. Borcherding

Roy WA

From: Sherryl van den Heuvel Sent: 6/1/2022 12:41:26 PM To: DOH WSBOH Cc: Subject: COVID Elementary & Secondary Children

### External Email

I am a Washington resident and citizen of the United States of America. You are one of the state government leaders I voted for, or who is appointed by someone I voted for. So, you represent me. You were elected to serve and protect the interests and civil liberties of Washington residents. I am sending you this letter for a single reason: I demand that you use the power and influence of your elected office and stewardship to immediately appoint a special prosecutor to investigate crimes committed upon me and my family and the residents of Washington and our country. The crime: The development, marketing, sale, and use of bioweapons administered to unsuspecting people, like me, by the pharmaceutical industry, academic institutions, legacy media, and healthcare machine respectively. The crimes also include the federal government and state government mandates and enforced reception of the bioweapons. The federal and state governments have pursued these actions through their numerous administrative agencies, and other collaborators (the "Participants"). I was told by all of these Participants that these bioweapons (the mandated injections made by multiple manufacturers) were a "safe and effective vaccine" to immunize me and my family against the "novel disease," COVID-19, caused by the "novel virus," SARS-CoV-2. The injections/bioweapons are not and never were vaccines. No, they were designed and patented as bioweapon knowingly imposed upon me and my family, our neighbors, and the citizens of our state, our country, and the world. The inconvenient evidence, compiled by the Participants themselves throughout the public record of the US Patent and Trademark Office, reveals this calculated criminal activity was an intended deception created and pursued by the Participants in violation of US Code 18 USC § 175. This statute prohibits the development, production, stockpiling, transfers, acquisitions, retention and possession of any biological agent, toxin, or delivery system for use as a weapon ... or to knowingly assist a foreign state or any organization to do so, or to attempt, threaten, or conspire to do so. These crimes perpetrated by the Participants have directly injured me and my family personally as well as our property. The consequences of their crimes have trampled my constitutionally guaranteed civil liberties. These crimes have been perpetrated by elected and appointed government officials and their allies. It is time that the light that only a special prosecutor can bring to these dark facts be shown on these nefarious activities. Again, I demand you take immediate action to appoint a special prosecutor to investigate and prosecute this criminal activity. May freedom ring,

Sent from my iPad

From: Cindy Reece Sent: 4/27/2022 11:52:55 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: CR-102

101 attachments\42ECD7F90A5541EC\_WSBOH .pdf

External Email

Please see attached letter Thank you Jim and Cindy Reece April 27, 2022

Washington State Board of Health

Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

As such, it appears the target for this proposed rule would be imposed on unincorporated commercial and private acreage with livestock.

As such, we are of the opinion that this proposal should fall under the scope of authority of the Washington State Department of Agriculture (WSDOA). The Department of Agriculture's charter provides the agriculture community ensuring agricultural regulations are observed. They work extensively with commercial operations, but their responsibilities range from ensuring food safety to environmental protections for water quality.

They also have the ability to work with landowners who have self-imposed farm plans that regulate animal waste. These plans need to be grandfathered in.

If the regulations under the WSDOA for waste management are insufficient, those should be updated. They have the authority and infrastructure to mandate and enforce the waste management regulations.

The Conservation Districts who submitted this rulemaking petition, have a charter to engage people with voluntary actions that keep our air, water, soil, habitats, and **farmland healthy** for all. They should be petitioning the Department of Agriculture for changes, and not the Board of Health.

Regarding the regulations proposed these need to be more specific, if not they are subject to bias by those who implement and enforce.

For examples, Standards for non-livestock:

For landowners with acreage, would land owners be required to pick their field to find their pet animal waste for temporary storage in a water tight container and disposal?

Would land owners be required to fence property to prevent their cats and dogs from migrating to adjacent neighbors? What regulations would be in place, or recourse would a landowner have, if their neighbors deliberately allow, or walk their dogs or cats to defecate on their neighbor's property to avoid collection/containment/disposal? Would land owners be required to sign their property "No Trespassing" to prevent this?

Will domestic pets be restricted from retention ponds, creeks, and rivers on one's property?

Standards for stockpiled waste from livestock:

What is considered stockpiled? Collected for composting? piled up like an equine stud pile? concentrated defecation in a confinement area?

Is all livestock waste to be removed, including poultry, goats, sheep, ducks, if found within the 100 ft setback?

Will livestock waste need to be separated by omnivore (i.e pigs, ducks, chickens) or herbivore, to allow it to be composted? And if so, how is the omnivore waste to be disposed of?

Is composted livestock waste allowed to be spread on lands within the 100 ft setbacks?

What criteria will be set to determine if composted waste is acceptable to be spread? And who will make that determination?

What odors need to be controlled? Waste odors, composting odors, animal odors?

What constitutes odor control and at what distance and duration does a landowner have responsibility to control the odor? What device will be used to detect odors?

Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Regards,

Jim and Cindy Reece

Small acreage land owner

From: Chris Leaverton Sent: 4/28/2022 8:23:36 AM To: DOH WSBOH Proposed Animal Waste Rule Subject: CR-102 Keeping of Animals

External Email

I am asking that you delay the implementation of cr-102. Please allow a work/task group to convene with members who make up those who will be affected by this rule.

Farm composting of ruminant waste is vital to my small rural Prosser farm. The composting process is even part of the life cycle of the farm. Its starts with forage to manure to compost to vegetables.

Thank You,

Chris Leaverton

From: obard31@gmail.com Sent: 4/28/2022 5:07:41 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste rule making

# External Email

To whom it may concern: I'd sure like see a work group or task force made up of stakeholders implemented in order to address concerns and ideas about animal waste in the State of Washington. It is very concerning that the State would allow counties to address this issue without a uniform manner or guidelines. Please delay the vote on this and implement a work group. I'd consider being on that workgroup if you were looking for help. Thanks for your time. -Andy Faubion

From: Hisaw, Melanie (SBOH) Sent: 4/19/2022 9:27:17 AM To: DOH WSBOH Cc: Subject: Public comment via mail

*attachments\74036616226D49E6\_20220418143947023.pdf attachments\953066CE602F4926\_20220418143959409.pdf* 

Hi Nathan,

Attached is mail that I scanned from Carla Messal from Cheney, WA. She sent in Public comment before, and these are some more notes. I realized part of the 2nd scan got cutoff in the scanning process, don't know why. But I think the message is clear enough, and she's sent many letters before. Please add it to the public comments.

Thanks!

Melanie Hisaw

**Executive Assistant** 

Washington State Board of Health

melanie.hisaw@sboh.wa.gov <mailto:melanie.hisaw@sboh.wa.gov>

360-236-4104

360-688-3719 (cell)

Website

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01</a>, Facebook

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reservation or purpose of evasion; and that I am about to enter: So the office on which I will well and faithfully without any mental against all enemies the United States support and defend toreign and domestic; "I do solemnly swear ischarge the duties of aith and allegiance to the **Constitution** of hat I will bear true or affirm) that I will ielp me God." his obligation freely, he same; that I take

Plase dand with APR 132022 US the grople own WA State Board of Health rights shall maller. The right to choose for and children. DO not vote to add covid vaccine to the op to school agenda. Carla Messal

Shawna Muendel P.O Box 47990 Olympia Wa 98504-7990



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Expressions Hallmark



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WA State Board of Health

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Expressions Hallmark

From: Glasoe, Stuart D (SBOH) Sent: 4/25/2022 7:29:01 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Proposed Rule, for WAC 246-203-130,

Stuart Glasoe SBOH Health Policy Advisor 360-236-4111

-----Original Message-----From: Donna Frankel <dfrankel2c714@gmail.com> Sent: Saturday, April 23, 2022 7:44 PM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: Proposed Rule, for WAC 246-203-130,

External Email

Just want to let you know that I am in favor of this proposal. It is long overdue.

Donna Frankel, 1794 Happy Valley Road, Sequim, WA 98382

From: Singleton Chiropractic Sent: 6/1/2022 2:46:49 PM To: DOH WSBOH Cc: Subject: covid vaccine in schools

External Email

Dear Sirs:

I have been opposed to covid vaccines in the schools from Day 1 and am writing to encourage you to keep it from becoming a requirement. The parents, guardian and PCP will be the ones to decide if a child needs to be addressed medically, especially with something which was released on the market in a very short period WITHOUT PROPER LONG-TERM TESTING on it. Remember, the majority that test covid-positive do not have symptoms or their symptoms are very mild. This is ADULTS and children will suffer symptoms to a MUCH LESSER DEGREE. Mandating an unproven and unneeded vaccine to be injected into our little kids is reckless, pointless and dangerous. I also wanted to impress upon you my support for Agenda item #13 on consumer rulemaking.

Ron Singleton Wenatchee From: Phoebe Trocano Sent: 4/26/2022 6:27:48 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste

External Email

Please postpone th June deadline, so that a task force can be formed to specifically identify, & form solutions for, Th concerns discussed. Sincerely, Rick & Phoebe Trocano Members BCHW From: Glasoe, Stuart D (SBOH) Sent: 3/30/2022 11:40:49 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)



Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Marie Tabata-Callerame <aikotabcal@hotmail.com> Sent: Monday, March 28, 2022 7:20 PM To: DOH WSBOH <WSBOH@SBOH.WA.GOV> Cc: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: Fw: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

External Email

Hello,

Since emails are not going through to the "WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov> " address, please direct this public comment email to the proper person. Thank you!

Marie Tabata

(360) 448-7925

(312) 933-2293 cell

From: Marie Tabata-Callerame <aikotabcal@hotmail.com <mailto:aikotabcal@hotmail.com> > Sent: Monday, March 28, 2022 7:13 PM To: WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov <WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov> > Subject: Re: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

My comment/suggestion is to add to the purpose the protection of stormwater quality. As temperatures rise, our rivers and lakes are having serious algae overgrowth issues. Thus, levels of feces that got into the water that were acceptable in a cooler temperature now create serious problems for aquatic environment. Thus, this issue is outside of just being a "health hazard" - it is an environmental protection issue.

Thanks for all the hard work you are doing!

Marie Tabata

Vancouver, WA

(360) 448-7925

(312) 933-2293 cell

From: DOH WSBOH <WSBOH@SBOH.WA.GOV <mailto:WSBOH@SBOH.WA.GOV> > Sent: Monday, March 28, 2022 3:26 PM Subject: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

The Washington State Board of Health (Board) has filed a CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals. The proposed rule includes a title change to Domestic Animal Waste. The proposed rule includes standards for the handling and disposal of animal excreta, or animal waste, for the purpose of preventing and controlling nuisance and health hazards.

The CR-102, filed as WSR 22-08-003, announces to the public that a rule is being proposed and includes the proposed rule language. The CR-102 is attached and related material can be accessed at the Board's rulemaking page

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc</a> rules-and-activity%2Fkeeping-

animals&data=04%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C5ccec5bfb9d844a5e1

You may submit your comments on the proposed rule the following ways:

1. Written comments are accepted through May 2, 2022, using the following options:

1. Send to the Board's public comment email address for this proposed rule: WSBOHProposedAnimalWasteRule@sboh.wa.gov

- <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov>
  - 2. Send via U.S. Mail to:
    - Washington State Board of Health PO Box 47990 □OlympiaWA 98504-7990

Please Note: All written comments submitted to the Board will be considered part of the official rulemaking file, provided to Board members for their consideration, and will be posted publicly to the Board's website.

1. Verbal comments will be accepted on June 8, 2022, during the online rules hearing open to the public

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Fmeetings%2Fme information%2Fmeeting-information%2Fmaterials%2F2022-06-

08&data=04%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C5ccec5bfb9d844a5e1f608c beginning at 1:30 p.m.

1. Access and register for the online rules hearing: https://us02web.zoom.us/webinar/register/WN\_6vqdRyUmTamyb61z3wCSBA <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus02web.zoom.us%2Fwebinar%2

Important Information for the Rules Hearing:

\* The online rules hearing will be held via the Zoom Webinar platform

\* In order to give verbal testimony during the rules hearing, you will need to access the meeting using your computer, laptop, or device. Your computer, laptop, or device must have speakers and a microphone.

For more information regarding this rule revision please:

1. Visit the Board's Keeping of Animals rulemaking web page

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc</a> rules-and-activity%2Fkeeping-

animals&data=04%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C5ccec5bfb9d844a5e1for

2. Email Board staff at stuart.glasoe@sboh.wa.gov <mailto:stuart.glasoe@sboh.wa.gov> .

Thank you,

(360) 236-4110

P.O. Box 47990, Olympia, WA 98504-7990

Location

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.google.com%2Fmaps%2Fpla 122.9083621%2C17z%2Fdata%3D!3m1!4b1!4m5!3m4!1s0x549173f074205aa3%3A0x552ddc5f79ee44b6! 122.9061681%3Fhl%3Den&data=04%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C5c · Website

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<mailto:wsboh@sboh.wa.gov?subject=Please%20Add%20My%20Name%20to%20the%20WSBOH%20Em

This announcement is being sent to the Board's general distribution list and other distribution lists associated with this rulemaking. Please excuse any duplications.

From: Gen Mossman Sent: 5/20/2022 5:26:05 PM To: DOH WSBOH Cc: Subject: Re: see attachments re NTI bio

> attachments\78DD22F83909462A\_Screenshot\_20220520-054205\_OneDrive.jpg attachments\18F2462761944E7F\_Screenshot\_20220520-053823\_OneDrive.jpg attachments\FC2C12408B9744FD\_Screenshot\_20220520-054005\_OneDrive.jpg attachments\5387464A3A5547D6\_Screenshot\_20220520-053944\_OneDrive.jpg attachments\15BB854DA8E94AEA\_Screenshot\_20220520-053952\_OneDrive.jpg attachments\12192FD401184FAA\_Screenshot\_20220520-054106\_OneDrive.jpg attachments\3C8AA9C1C8A64FF7\_Screenshot\_20220520-054106\_OneDrive.jpg attachments\E78D2D3481C54B31\_Screenshot\_20220520-054125\_OneDrive.jpg attachments\35D216F6332A43F2\_Screenshot\_20220520-054145\_OneDrive.jpg attachments\C571A5FFDD75415C\_Screenshot\_20220520-053708\_OneDrive.jpg attachments\CC5C9298ABBF4ABC\_Screenshot\_20220520-054057\_OneDrive.jpg

External Email

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I sent you a link earlier that can no longer be found on the Internet.

On Fri, May 20, 2022, 6:12 AM Gen Mossman <mossman.genevieve@gmail.com <mailto:mossman.genevieve@gmail.com> > wrote:

I'm am writing due to my concern about the Monkeypox virus. I don't know the extent of the concern on this day, however, Title 42 is set to expire on May 23, 2020. With this virus, and the unknown of potential outbreak, is it safe to keep the border open without health and safety checks?

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https://www.nti.org/wp-content/uploads/2021/11/NTI\_Paper\_BIO-TT

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nti.org%2Fwpcontent%2Fuploads%2F2021%2F11%2FNTI\_Paper\_BIO-TT&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C700333fdaf9d4b57010608da3ac072f3%7C11d0e2172

https://www.nbcdfw.com/news/local/texas-news/border-cities-in-texas-andmexico-brace-for-title-42-decision/2973071/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nbcdfw.com%2Fnews%2Flow news%2Fborder-cities-in-texas-and-mexico-brace-for-title-42decision%2F2973071%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C700333fdaf9d4b57010608da3a

https://www.nbcdfw.com/news/local/texas-news/border-cities-in-texas-and-mexico-brace-for-title-42-decision/2973071/

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decision%2F2973071%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C700333fdaf9d4b57010608da3a

From: bassoonbarb@yahoo.com Sent: 4/28/2022 8:21:21 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste proposed ruling

External Email

To whom it may be appropriate:

I often walk my dogs on trails & in parks where the dog owners fail to pick up & remove their dogs messes. It is a horrible offensive smell to pass by and even worse step in the mess. There is signage for dog owners to pick up the waste however it is not being done and there is absolutely no one enforcing this rule.

For anyone to push livestock owners to remove their "herds" waste seems to be an absurd step in the wrong direction. When it is already difficult to find emloyees for any government office then who will manage the proposed law if it is acted upon? Where is the enforcement money coming from? Livestock waste does not have the offensive odor that small animal waste has.

I really advise officials to postpone this ruling and rethink consequences of the actions on ranchers and farmers. How many ranchers have left and more will leave ranching? Where will you obtain your next steak; rare and expensive?

Horse owners help pay government officials through the high taxes paid. What happens when that goes away?

This issue MUST be rethought!

Sincerely, Barbara Bennett-Penniston 98926 From: Lang, Caitlin M (SBOH) Sent: 4/29/2022 12:20:24 PM To: DOH WSBOH Cc: Subject: FW: Board Decision on Covid-19 vaccines

From: Janet Young <antiejan@gmail.com> Sent: Friday, April 29, 2022 1:32 PM To: Lang, Caitlin M (SBOH) <Caitlin.Lang@sboh.wa.gov> Subject: Board Decision on Covid-19 vaccines

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely,

Janet M. Young

Maple Valley, WA

April 29, 2022

From: Gig Kerr Sent: 4/26/2022 3:36:38 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed rule

External Email

hope you hold off on making rules till you're sure of the best solutions to the many issues.

From: Sheila Blakely Sent: 4/27/2022 7:57:08 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: re: Animals waste Dept of Health

External Email

Dear Sir or Madam:

I would first like to ask that this proposal by the Dept. of Health on keeping animals, waste would be postponed until a work group to study this issue and concerns has been formed. Farmers, ranchers and others who keep animals are already usually very concerned with keeping their animals healthy and their properties environmentally friendly. Most of us use animal waste (horse, cattle, goat, sheep etc.) by composting it and incorporating it back into the soil.

Often people who make complaints about animal keeping have no idea what is involved. They often think country life looks fun, then move to a place where suddenly they are seeing flies and smelling animals. I don't think that it would be fair to suddenly tell the rancher to change his way when the city dwelling moves into the area.

I would like to see the work group have many members that are experienced animal keepers on it so that the issues that will be involved will be grounded in reality. Do you eat steak? Pork? If so, then we need to keep our producers from having to deal with over involvement from someone who doesn't understand the issues.

Thank you Sheila Blakely Backcountry Horsemen of Washington From: Melissa Moser Sent: 4/23/2022 5:07:59 AM To: DOH WSBOH Cc: Subject: Fwd: Covid vaccines

External Email

□Hello,

Thank you for all you do and your consideration with this information : https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9012513/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ncbi.nlm.nih.gov%2Fpmc%2

Best regards, Melissa Moser From: Jotform Sent: 5/4/2022 7:09:45 AM To: DOH WSBOH Cc: Subject: Re: Stop The Child Vaccine Mandate Petition - Melanie Sawaya

External Email

<https://cdn.jotfor.ms/assets/img/logo2021/jotform-logo.png>

Stop The Child Vaccine Mandate Petition

Name

Melanie Sawaya

Email

msawaya18@gmail.com

Zip

, , , , 98466

Cell Phone Number

(253) 3802211

You can edit this submission

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easily.

From: Imulmt@yahoo.com Sent: 4/27/2022 10:37:22 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste

External Email

I think that your policies are so unclear that any one that works for your department could abuse their authority when enforcing unclear laws. I request that you hold off June law making until more fair and scientific and cultural investigating is done. We don't need more confusion.

Thank you, Lori Uhler

Sent from my iPhone

From: susan\_conard@comcast.net Sent: 5/6/2022 3:43:23 PM To: DOH WSBOH Cc: Subject: FW: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

External Email

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems, already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

As such, it appears the target for this proposed rule would be imposed on unincorporated commercial and private acreage with livestock.

As such, we are of the opinion, that this proposal should fall under the scope of authority of the Washington State Department of Agriculture (WSDOA). The Department of Agriculture's charter provides the agriculture community ensuring agricultural regulations are observed. They work extensively with commercial operations, but their responsibilities range from ensuring food safety to environmental protections for water quality.

They also have the ability to work with land owners who have self-imposed farm plans that regulate animal waste. These plans need to be grandfathered in.

If the regulations under the WSDOA for waste management are insufficient, those should be updated. They have the authority and infrastructure to mandate and enforce the waste management regulations.

The Conservation Districts who submitted this rule making petition, have a charter to engage people with voluntary actions that keep our air, water, soil, habitats, and farmland healthy for all. They should be petitioning the Department of Agriculture for changes, and not the Board of Health.

Regarding the regulations proposed these need to be more specific, if not they are subject to bias by those who implement and enforce.

For examples, Standards for non-livestock:

For land owners with acreage, would land owners be required to pick their field to find their pet animal waste for temporary storage in a water tight container and disposal?

Would land owners be required to fence property to prevent their cats and dogs from migrating to adjacent neighbors? What regulations would be in place, or recourse would a landowner have, if their neighbors deliberately allow, or walk their dogs or cats to defecate on their neighbor's property to avoid collection/containment/disposal? Would land owners be required to sign their property "No Trespassing" to prevent this?

Will domestic pets be restricted from retention ponds, creeks, and rivers on one's property?

Standards for stockpiled waste from livestock:

What is consider stockpiled? Collected for composting? piled up like an equine stud pile? concentrated defecation in a confinement area?

Is all livestock waste to be removed, including poultry, goats, sheep, ducks, if found within the 100 ft setback?

Will livestock waste need to be separated by omnivore (i.e pigs, ducks, chickens) or herbivore, to allow to be composted? And if so, how is the omnivore waste to be disposed of?

Is composted livestock waste allowed to be spread on lands within the 100 ft setbacks?

What criteria will be set to determine if composted waste is acceptable to be spread? And who will make that determination?

What odors need to be controlled? Waste odors, composting odors, animal odors?

What constitutes odor control and at what distance and duration does a land owner have responsibility to control the odor? What device will be used to detect odors?

Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Susan Conard

Ph: 425-870-9118

Email: susan\_conard@comcast.net <mailto:susan\_conard@comcast.net>

From: Valerie Chapman Sent: 4/24/2022 6:51:32 AM To: DOH WSBOH,DOH Secretary's Office Cc: Subject: Thank You for Listening to the Citizens of WA State

External Email

Dear BOH Members,

Thank you for listening to the concerns of us as citizens of Washington State and for voting to adopt the TAG's recommendation to not add the COVID-19 vaccine to Washington's list of required immunizations for child care and school entry at your April 13 virtual public meeting. We are confident that the emerging scientific data will continue to affirm your decision. Thank you for your thoughtful consideration in your role to protect the health of the children in our State.

respectfully, Valerie

Sent from my Samsung Galaxy S22 Ultra

Get Outlook for Android <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2FAAb9ysg&data=05%7">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2FAAb9ysg&data=05%7</a>

From: Mary McHugh Sent: 4/26/2022 6:47:25 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Please delay any decision at this time

External Email

There are most difficult complications due to weather, elevation differences, comparisons of coastal rain forests, and dry desert like conditions in eastern Washington. Cannot make one rule to cover the whole state of Washington.

Please delay any decisions on this matter. I feel it should be a county decision. Seattle does not compare to Okanogan County, rural verses city can have diverse differences. This is not a state wide ruling that can be passed. Mary McHugh 19 Poorman Cr Cut-Off Rd Twisp, WA 98867 From: Sherry Baysinger Sent: 4/26/2022 11:16:07 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste

External Email

We are very concerned with this over-reach into how animal/livestock owners deal with animal waste.

My husband and I are members of Back Country Horsemen of Washington. We have volunteered over 30,000 hours packing tools and equipment to assist the USFS, DNR, ONP and USGS in projects and trail and campsite maintenance in our area of the Olympic Peninsula. We are master trainers of Leave No Trace and continue now into our 70's to teach these practices to our many members.

Unfortunately, most of the people who are concerned about animal waste, especially livestock, have very little experience with livestock. They possibly don't even realize that cow and horse manure is really just recycled grass and excellent fertilizer for farmers (which happens to be in short supply due to recent world events).

The livestock owners that we work with are very well aware of how to compost and utilize manure in ways that do not harm, but rather improve the environment. Perhaps education rather than legislation should be your first line of defence on this issue. Private landowners who have been stewards of farmland for generations will not appreciate someone in uniform from the government who have, no authority by law to tell taxpayers how to care for their own land, for which they pay property taxes (and high ones in Washington!).

Please consider utilizing local Conservation District people within the counties to continue to hold classes on management of mud/manure rather than legislating something that has already riled up a lot of rural farmers and livestock owners. Conservation employees have been very helpful in Clallam and Jefferson counties. We have invited these folks to come to our property and instruct and assist with proper mud and manure management and protecting the stream that flows through our property. I should mention that our conservation folks are also horse owners and are Board members of several Back Country Horsemen Chapters. They have achieved respect for what they do because they are stock owners. I suggest you start with people like them.

Respectfully

Larry & Sherry Baysinger 2094 Bear Creek Rd Port Angeles WA 98363 From: birthsupport@aol.com Sent: 6/1/2022 12:35:20 PM To: DOH WSBOH Cc: Subject: Immunizations

# External Email

I want the board to know that I will NOT accept ANY shot mandates OF ANY KIND!!! The Covid shots are DANGEROUS!! These shots are EXPERIMENTAL and it is DEPLORABLE and APPALLING that you would even consider mandating them or even recommend them!!! Your job is to LOOK AT SCIENCE!!! NOT POLITICS!!!! It is unconscionable that you would ignore the actual science and put children at risk of DYING!!! I WILL NOT ACCEPT ANY SHOT MANDATES PERIOD!!! I will do EVERYTHING I can, to stop you if you ever try to mandate ANY shot for school. The one thing "covid" did was allow the public to see how political your decisions are instead of scientific!! You have destroyed our state with your unscientific and irrational restrictions!! Because of YOU suicide rate is up, drug and alcohol use is up, domestic violence is up, violence in general is up, EVERYTHING has risen because of YOUR DEPLORABLE DECISIONS!! You as a board are not trustworthy at all, and your inability to look at science is very disturbing. YOU HAVE LOST ALL PUBLIC TRUST!!

Amy Westman

From: Tim and Paula Keohane Sent: 4/29/2022 11:51:54 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comment on proposal

## External Email

We are horse owners and land owners living in rural WhidbeyIsland. We purchased vacant land in 1993 with intent on building home for ourselves where we could also have our horses. Our first effort after sale was final was to contact the Whidbey Island Conservation District to ask them to help us develop a plan for locating barn, corrals and pastures so that we could minimize impact and extend gazing months on the 15 cleared acres. We also sought advice on management of the forested acres. That farm management plan which included manure compost facility, subsequently update 3 times, has served us and the land very well. The management of horses waste is not in any way related to management of dog and cat waste. In fact composted horse manure is a valuable soil amendment. Not so dog and cat waste. I ask you to reconsider including horse waste in your Health Department regulation as it will interfere with the existing very successful and accessible to all programs and services existing already through the conservation districts.

At the very least, postpone consideration at your schedule June date. Paula Keohane

Sent from my iPad

From: Joann Reider Sent: 4/26/2022 4:54:28 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals

External Email

Dear State Board of Health

Please postpone the draft proposal from June's hearing. Please allow a work group/task force of stakeholders to convene and sort out the concerns.

Some concerns are mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), etc.

Please delay the Draft Policy proposal in June. Please get a work group or task force formed to vet out our concerns.

Yours truly,

Joann R. Reider

From: Herendeen, Lindsay (SBOH) Sent: 4/29/2022 11:42:03 AM To: DOH WSBOH Cc: Subject: Fwd: Board Decision on Covid-19 vaccines

Lindsay Herendeen lindsay.herendeen@sboh.wa.gov 360-628-6823

From: Janet Young <antiejan@gmail.com> Sent: Friday, April 29, 2022 11:30:22 AM To: Herendeen, Lindsay (SBOH) <Lindsay.Herendeen@sboh.wa.gov> Subject: Board Decision on Covid-19 vaccines

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely, Janet M. Young Maple Valley, WA April 29, 2022 From: Gen Mossman Sent: 5/20/2022 6:13:41 AM To: DOH WSBOH Cc: Subject: Moneypox Virus

## External Email

I'm am writing due to my concern about the Monkeypox virus. I don't know the extent of the concern on this day, however, Title 42 is set to expire on May 23, 2020. With this virus, and the unknown of potential outbreak, is it safe to keep the border open without health and safety checks?

https://www.bbc.com/news/uk-england-london-61449214 <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.bbc.com%2Fnews%2Fukengland-london-61449214&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C27cc7b4dcb0d49625b0908da3a627b2f%7C11c

## Page 10

https://www.nti.org/wp-content/uploads/2021/11/NTI\_Paper\_BIO-TT <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nti.org%2Fwpcontent%2Fuploads%2F2021%2F11%2FNTI\_Paper\_BIO-TT&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C27cc7b4dcb0d49625b0908da3a627b2f%7C11d0e2172

https://www.nbcdfw.com/news/local/texas-news/border-cities-in-texas-and-mexico-brace-for-title-42-decision/2973071/

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nbcdfw.com%2Fnews%2Floornews%2Fborder-cities-in-texas-and-mexico-brace-for-title-42decision%2F2973071%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C27cc7b4dcb0d49625b0908da3a

https://www.nbcdfw.com/news/local/texas-news/border-cities-in-texas-and-mexico-brace-for-title-42-decision/2973071/

decision%2F2973071%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C27cc7b4dcb0d49625b0908da3a

From: monikahancock61 Sent: 4/14/2022 10:40:35 AM To: DOH WSBOH Cc: Subject: for your information

*attachments\73475541581F4055\_2\_5384546451126753895.mp4* 

External Email

Greetings, a child tells all

Monika Hancock

Sent from my Verizon, Samsung Galaxy smartphone

From: John Kiess Sent: 5/2/2022 12:29:36 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Rule comment

*attachments\EC5FA5B6AD5C458F\_EHD comment letter WAC 246-203-130.pdf* 

External Email

Please see the attached letter from the Washington State Environmental Health Directors.

Thank you,

John Kiess, RS | Environmental Health Director

Kitsap Public Health District

345 6th St., Suite 300 | Bremerton, WA 98337

(360) 728-2290 Office | (360) 620-0538 Cell

john.kiess@kitsappublichealth.org <mailto:john.kiess@kitsappublichealth.org> | kitsappublichealth.org <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d

<a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d">https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d</a>

<http://www.kitsappublichealth.org/img/KPHD\_Image\_Library/Email/PHAB\_logo.jpg>

<a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d">https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d</a>

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FKitsapPub">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FKitsapPub</a>



May 2, 2022

SENT VIA ELECTRONIC TRANSMITTAL

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

## RE: PROPOSED REVISIONS TO CHAPTER 246-203-130, DOMESTIC ANIMAL WASTE

Dear Board of Health:

Thank you for the opportunity to provide comments on the proposed rule. This proposal provides a much-needed update to existing, out of date rule language. The Washington State Environmental Health Directors support this proposed language revision as it will result in a more useful rule that can be utilized by local health jurisdictions if necessary.

We believe that the proposed rule, if used by a local health jurisdiction, will result in better health outcomes as the language provides for clear standards for compliance to protect surface and ground waters which in turn protects drinking water supplies, shellfish resources, and recreational waters. Additionally, the proposed rule language provides clear standards for animal keepers to understand and implement in order to protect public health and natural resources in their own communities.

We support the proposed amendments to WAC 246-203-130, Keeping of Animals. If you have questions or would like additional information, you can reach me at 360-728-2290, or john.kiess@kitsappublichealth.org.

Sincerely,

ien

John Kiess, WSEHD Chair Environmental Health Director Kitsap Public Health District

Past Chair Ray Byrne Spokane Co EH Director (509)324-1588 rbyrne@srhd.org Chair John Kiess Kitsap Co EH Director (360)728-2290 John.kiess@kitsappublichealth.org Chair Elect Stephanie Shopbell Grant Co EH Manager (509)766-7960x41 shopbell@granthealth.org Secretary/Treasurer Season Long Cowlitz Co EH Manager (360)414-5592x6445 longs@co.cowlitz.wa.us Member at Large Jessica Gehle Pierce Co EH Director (253)649-1845 jgehle@tpchd.org From: Garret Hammer Sent: 3/30/2022 7:46:53 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Issues with proposed changes

External Email

To whom it may concern,

Even though these changes do not directly affect me, at this time. I believe they would be too much added stress on many small businesses that deal with livestock. With the current state of the economy that would be detrimental. I know how much folks rely on agriculture, large and small in the state of Washington and know the people in positions to look after that do not want it harmed, and these changes would harm

Thank you, Garret

From: boobaa920@gmail.com Sent: 4/21/2022 9:20:20 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

External Email

April 18, 2022

Washington State Board of Health

Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems, already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

As such, it appears the target for this proposed rule would be imposed on unincorporated commercial and private acreage with livestock.

As such, we are of the opinion, that this proposal should fall under the scope of authority of the Washington State Department of Agriculture (WSDOA). The Department of Agriculture's charter provides the agriculture community ensuring agricultural regulations are observed. They work extensively with commercial operations, but their responsibilities range from ensuring food safety to environmental protections for water quality.

They also have the ability to work with land owners who have self-imposed farm plans that regulate animal waste. These plans need to be grandfathered in.

If the regulations under the WSDOA for waste management are insufficient, those should be updated. They have the authority and infrastructure to mandate and enforce the waste management regulations.

The Conservation Districts who submitted this rule making petition, have a charter to engage people with voluntary actions that keep our air, water, soil, habitats, and farmland healthy for all. They should be petitioning the Department of Agriculture for changes, and not the Board of Health.

Regarding the regulations proposed these need to be more specific, if not they are subject to bias by those who implement and enforce.

For examples, Standards for non-livestock:

For land owners with acreage, would land owners be required to pick their field to find their pet animal waste for temporary storage in a water tight container and disposal?

Would land owners be required to fence property to prevent their cats and dogs from migrating to adjacent neighbors? What regulations would be in place, or recourse would a landowner have, if their neighbors deliberately allow, or walk their dogs or cats to defecate on their neighbor's property to avoid collection/containment/disposal? Would land owners be required to sign their property "No Trespassing" to prevent this?

Will domestic pets be restricted from retention ponds, creeks, and rivers on one's property?

Standards for stockpiled waste from livestock:

What is consider stockpiled? Collected for composting? piled up like an equine stud pile? concentrated defecation in a confinement area?

Is all livestock waste to be removed, including poultry, goats, sheep, ducks, if found within the 100 ft setback?

Will livestock waste need to be separated by omnivore (i.e pigs, ducks, chickens) or herbivore, to allow to be composted? And if so, how is the omnivore waste to be disposed of?

Is composted livestock waste allowed to be spread on lands within the 100 ft setbacks?

What criteria will be set to determine if composted waste is acceptable to be spread? And who will make that determination?

What odors need to be controlled? Waste odors, composting odors, animal odors?

What constitutes odor control and at what distance and duration does a land owner have responsibility to control the odor? What device will be used to detect odors?

Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Regards,

Barbara Woo and Scott Bauer

Small acreage land owner

360 435 6923

From: PCCBCH Memberships Sent: 4/29/2022 1:10:01 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Public Comment - Keeping of animals

External Email

There are many issues/concerns that are unresolved from the last meeting on Monday the 26th of April. I am requesting that you postpone the draft proposal from June's hearing. I suggest that you allow a work group/task force of stakeholders to convene and sort out the concerns of this draft proposal.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Please consider these concerns about the "Keeping of Animals" issues.

Thank you,

Ron/Barbara Downing

253-312-1072

Sent from Mail <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F% for Windows

From: Farley Woodbury Sent: 6/3/2022 9:43:16 AM To: DOH WSBOH Cc: Subject: No covid shots for kids!

External Email

To whom it may concern,

Covid shots are not necessary for the health and safety of our children in a school setting. They don't stop infection or transmission and the injuries and side effects of the shots for that age group are outweighing the benefits.

It should be a parental decision to give an experimental covid shot that has not been through proper phase 3 trials to a healthy child. It is not fair to the public and our children to force this shot. I and many parents will withdraw our kids from school if this shot is mandated.

Please consider all of these things when this topic comes up again on your agenda.

Sincerely,

Farley Woodbury

From: Glasoe, Stuart D (SBOH) Sent: 5/10/2022 10:20:00 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: DOH WSBOH <WSBOH@SBOH.WA.GOV> Sent: Tuesday, May 10, 2022 6:30 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov>; Herendeen, Lindsay (SBOH) <Lindsay.Herendeen@sboh.wa.gov> Subject: FW: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

From: susan\_conard@comcast.net <mailto:susan\_conard@comcast.net> <susan\_conard@comcast.net <mailto:susan\_conard@comcast.net> > Sent: Friday, May 6, 2022 3:43 PM To: DOH WSBOH <WSBOH@SBOH.WA.GOV <mailto:WSBOH@SBOH.WA.GOV> > Subject: FW: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

External Email

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems, already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

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As such, we are of the opinion, that this proposal should fall under the scope of authority of the Washington State Department of Agriculture (WSDOA). The Department of Agriculture's charter provides the agriculture community ensuring agricultural regulations are observed. They work extensively with commercial operations, but their responsibilities range from ensuring food safety to environmental protections for water quality. They also have the ability to work with land owners who have self-imposed farm plans that regulate animal waste. These plans need to be grandfathered in.

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What odors need to be controlled? Waste odors, composting odors, animal odors?

What constitutes odor control and at what distance and duration does a land owner have responsibility to control the odor? What device will be used to detect odors?

Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Susan Conard

Ph: 425-870-9118

Email: susan\_conard@comcast.net <mailto:susan\_conard@comcast.net>

From: Natalie Molfino Sent: 6/1/2022 2:06:21 PM To: DOH WSBOH Cc: Subject: For 8 June

External Email

Dear BOH,

Although adding Covid shots to the school schedule is not on the upcoming June 8 agenda, we need you to understand that we will never forget the terror you caused WA families these past couple years! You will need to significantly increase your efforts to be sincere, open, and truthful henceforth to ever regain our trust. You would be wise to consider beginning with an apology and remind us all that you exist to serve us!

Because of your actions these past couple years, you have lost credibility!! Covid shots are not safe, nor are they effective. We know hockey players who took the vaccine and whose hearts were permanently injured, and the hockey players are no longer permitted to even skate. You are destroying dreams! Do not be complicit in this diabolical initiative. Our older friends who took the vaccine are more sick than ever when faced with any illness, and they now have new, aggressive diseases since taking the covid vaccine.

Before this Friday, June 3, please READ this information on the Covid vaccines NEW on the NIH website: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9062939/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.ncbi.nlm.nih.gov%2Fpmc%2

Lastly, we want you to know we support agenda item #13, the citizen petition for rulemaking . Administrators of this vaccine MUST provide complete information to recipients so they can form informed decisions (whether consent or refusal). Remember, you work for us and must begin being honest TODAY!

Thank you!!

From: DOH WSBOH Sent: 4/4/2022 8:16:49 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Keeping of animals rule. WAC 246-203-130. public comment.

Good morning Stuart,

Forwarding you a public comment below regarding KoA.

Nathan Thai

Communications Consultant

Washington State Board of Health

Nathaniel.Thai@sboh.wa.gov <mailto:Nathaniel.Thai@sboh.wa.gov>

360-463-8928

Website

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2F&data=04%7C01 , Facebook

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FWASBOH8 , Twitter

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0

From: shoer joe <joemarce@gmail.com> Sent: Friday, April 1, 2022 8:02 AM To: DOH WSBOH <WSBOH@SBOH.WA.GOV> Subject: Fwd: Keeping of animals rule. WAC 246-203-130. public comment.

External Email

Sent from my iPhone

Begin forwarded message:

From: Steve McLaughlin <mclaugsa@yahoo.com <mailto:mclaugsa@yahoo.com>

Date: March 28, 2022 at 10:05:26 PM PDT To: shoer joe <joemarce@gmail.com <mailto:joemarce@gmail.com> > Subject: Re: Keeping of animals rule- public comment.

□Excellent!

>

Sent from my iPad

On Mar 28, 2022, at 17:21, shoer joe <joemarce@gmail.com <mailto:joemarce@gmail.com> > wrote:

To whom it may concern:

I'm a cattle rancher here in Jefferson county Washington. My family has been raising cattle here since the mid 70's. Although my animal husbandry practices are always improving, I have a few questions and comments that may concern other large and small livestock owners and producers.

There is a proper department already educating and enforcing these rules. Why is the DOH getting involved? The county conservation district is the department that is and should have jurisdiction on this matter. They help owners of livestock and educate them on better practices. They also work with the department of health and the environmental protection agency to name a few.

In my opinion most livestock owners and producers have a large part in keeping water clean and their land healthy. Clean water for our animals and healthy land to raise them on is important to most.

1) why and what good comes from penalizing hard working people that work hard and care for these suspect animals? Targeting small business in our county only hurts our economy. Education is key here.

2) why is the DOH involving the dept. on such matters when there are other depts. already in place to target the such concerns of animal Waste.

3) has the DOH reached out to farms or ranches in our county to discuss the matter from a real world perspective? If not, than you've already made the first mistake on this rule.

4) has anyone analyzed how much of our local economy depends on agriculture in our county? And how much ag creates in materials, local revenue, and land taxes being payed to the county?

In closing my public comments, I'm disappointed to hear of another rule to stifle our agricultural community. Putting fees on hard working people only hurts the ag industry in our county and community. Education and assistance is the way to combat these concerns of the DOH. I urge the county to talk to local livestock owners and livestock businesses to create a better solution than fees and control.

Please email me back with any concerns you may have. I would enjoy being a part of a better solution on the matter.

Joe Marceau joemarce@gmail.com <mailto:joemarce@gmail.com> Sent from my iPhone From: Sharon x Sent: 6/1/2022 1:01:52 PM To: DOH WSBOH Cc: Subject: No to K-12 covid or any manditory vaccinations

External Email

Hello and thank you for reading.

I am once again reaching out to ask the doctors and other science types to please within the WA BOH, please pay attention to accurately and ethically collected data regarding these Covid-19 shots, efficacy and side effects. These are medical people with zero financial gain - you have heard about them being censored - before even engaging in the very ethically collected data . That I feel the need to send this correspondence erodes my faith in WA State BOH to keep Washingtonians safe. Many parents, including myself, are aware of the true scientifically collected data and will refuse to accept unethically, profitbased data collection to keep us safe and healthy.

This absolutely carries over to any mandates for K-12 students, which has been in the forefront lately. With all the push for a product that is still in EUA to be forced on young kids - a population not affected by Covid-19 - I as a parent looking at the past two or so years have lost all faith in the Washington State Department of Health and Board of Health to medically make sound advice for myself and my family for Covid-19 shots, monkeypox shots or absolutely any other shots.

Personally, i have heard too many random and unusual stories about side effects after receiving the Covid19 shot and know there are thousands more for each one posted here:

\*one woman having two heart attacks two months in a row

\*one healthy middle aged man needing a triple bypass heart surgery

\*one young adult with no family history developing diabetes

\*one healthy in body and spirit woman getting breast cancer

\*one older person getting brain blood clots consecutively after receiving the shot and lead to her death (sadly, this is my cousin, and my heart aches)

I am urging you to use your strong sense of ethics, true data not backed by profitmaking corporations, and make an ethical stance regardless of popularity and NOT make the Covid19 shots mandatory for K-12 kids to attend public school. We parents are following and ready to do whatever it takes to preserve our freedom of choice and our own call to keep our families safe.

Thank you, Sharon Hochberg resident of Redmond, WA From: SONDRA JOHNSTON Sent: 4/26/2022 1:34:16 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Draft policy proposal

External Email

Delay any final recommendations till sometime 2023 to allow complete study of issues without a rush job so all concerned citizens can be heard

Sent from my iPhone

From: Joshua Allen Sent: 4/23/2022 1:10:57 PM To: DOH WSBOH Cc: Subject: Re: CR-103E Alert: Emergency Rule Adoption, Chapter 246-101 WAC – Notification and Reporting of COVID-19

#### External Email

https://rumble.com/v11qyc1-interview-with-josh-yoder-re-american-airlines-captainbob-snow-vax-injury.html <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Frumble.com%2Fv11qyc1interview-with-josh-yoder-re-american-airlines-captain-bob-snow-vaxinjury.html&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd9063ffeaaa7498a5e1408da2565563b%7C11

Sent from my iPhone

On Apr 23, 2022, at 1:05 PM, Joshua Allen <joshicloudz@icloud.com> wrote:

□Yoœally are the most evil tyrannical form of oppression and discriminatory body across the board top to bottom. You must be aware of the situation by now and are flat out ignoring the facts. There will be a place for the evil agendas You have ushered in by not listening or care to concern, what over 20,000 physicians have stood against world wide. Unreported facts deaths and the increase of children ADE. Obviously, Have no worry to you. Must be pald off can be the only conclusion! For your crimes on these measures will be studied for generations to come. How can they get It so wrong ?

The health board sly under peoples noses you are passing and changing laws for big Pharmas monopoly and you are massively corrupt. There are so many resources available outside the for profit CDC and FDA. Whom are both unreliable false retractable non science based oligarch selfish conclusions. So many examples of facts that dosen't matter the evidence I can provide but you are the rulers on matters here. Where I am a regular Joe researcher and citizen; No brainer for me to research want the truth then seek the truth. Can find the atrocities, crimes. Clear as day by the manufactures themselves, patents, the research studies flawed and haulted, plus the CEOs of these companies their own admissions of this lie you are holding on too! If I can find these facts review 100s of official documents released by the courts CDC and the WHO you are not professional at all to raise your own questions about the safety and effectiveness of the fake vax or as the SEC filings state from bio n tech and PHIZER, Moderna, JnJ, Aztrazenica they are gene therapies. These experimental applications have not only caused more deaths and ADE than the year prior with no vaccine availableThe CEO of Phlzer not even a MD he's a veterinarian. The science about the entire gambit of lies has so may layers that you must know you are dictating and murdering The people who's health you are n a position to protect. Get a Life retards snd leave ours alone you pricks !

wrote:

#### 

The Washington State Board of Health (Board) has adopted a seventh emergency rulemaking order to continue the requirements established in WAC 246-101-017 – Novel Coronavirus (SARS-CoV-2), Coronavirus Disease 2019 (COVID-19) Reporting. The emergency rule is effective April 20, 2022 and will be in effect for 120 days. The CR-103E announces the emergency rulemaking order, filed as WSR 22-09-082 (attached).

This emergency rule, in alignment with updated guidance from the Department of Health and Human Services <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F ncov%2Fdownloads%2Flab%2Fhhs-laboratory-reporting-guidance-508.pdf&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd9063ffeaaa7498a5e1408da2565563b%7C11d0e :

\* Continues the designation of COVID-19, as a notifiable condition.

Continues the requirement for health care providers, health care facilities, laboratories, local health jurisdictions, and the Department of Agriculture to report certain demographic, testing, and other relevant data for each COVID-19 test.
 Clarifies reporting requirements by test entity and test type:

\* Entities licensed to conduct moderate or high complexity testing must report all positive, negative, and inconclusive test results from all NAAT and antigen tests performed for COVID-19.

\* Entities licensed to conduct waived tests under a certificate of waiver must report positive test results from all waived tests, excluding antibody testing, for COVID-19.

The Board filed a CR-101, Preproposal Statement of Inquiry, on July 23, 2021 to integrate emergency rule requirements and provisions into permanent rule. More information can be found on the COVID-19 permanent rulemaking web page. <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Fnotifiable-conditions-covid-19-permanent-">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Fnotifiable-conditions-covid-19-permanent-</a>

rule&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd9063ffeaaa7498a5e1408da2565563b%7C11d0e217

For more information on this emergency rule visit the Board's website <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2FRulemaking%2F@">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2FRulemaking%2F@</a> or contact notifiableconditions@sboh.wa.gov <mailto:notifiableconditions@sboh.wa.gov>

Thank you,

<image001.png>

Phone: (360) 236-4110

Mailing Address: P.O. Box 47990, Olympia, WA 98504-7990

Location

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.google.com%2Fmaps%2Fpla 122.9083621%2C17z%2Fdata%3D!3m1!4b1!4m5!3m4!1s0x549173f074205aa3%3A0x552ddc5f79ee44b6! 122.9061681%3Fhl%3Den&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd9063ffeaaa7498a5e1408da2 · Website

<a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01">https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01</a>

· Email <mailto:wsboh@sboh.wa.gov> · Facebook

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FWashingtor
• Twitter

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0 · Subscribe

<mailto:wsboh@sboh.wa.gov?subject=Please%20Add%20My%20Name%20to%20the%20WSBOH%20Ema

<WSR2209082-covidreporting-7thCR103E.pdf>

From: Kelly Bell Sent: 4/26/2022 7:58:40 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Constituent comment

External Email

Please postpone the June ruling on the draft proposal in favor of empaneling a stakeholder task force to further explore and inform the group on the issues at hand. As an agriculturist and smallholder who is faced with increasing encroachment on our farmlands by urbanites who have little understanding of farming practices and who bring urban values with them without regard for the values they're displacing, I recognize that rural folks have a diminished voice in this process. It's important that you take the time to thoroughly consider our traditions and values, as well as our basic needs and livelihoods, in making these critical decisions which will disproportionally affect farmers and livestock-holders, many of whom are economically disadvantaged. Thank you for listening,

Sincerely, Kelly Bell (917) 446-1555

Ovis Aries Farm ARBA-Registered Romney sheep @OvisAriesFarm | @Kelly | @YARNSPOTTING From: Tenney, Patricia Sent: 5/2/2022 9:07:10 AM To: DOH WSBOH Proposed Animal Waste Rule Subject: FW: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

attachments\DB83FB4EEA184B4D\_image009.jpg
attachments\09474F5DB565410E\_image006.jpg
attachments\F21FE70ADCBA486F\_image008.jpg
attachments\0856B36420A0464A\_image007.jpg
attachments\E9627F0258F24385\_House-SBOH Keeping of Animal.docx
attachments\2A37CD0FF6E342C5\_image005.jpg
attachments\836DA9C5B233445C\_image003.png
attachments\3F17A39C533D4965\_image002.jpg
attachments\1BA7CAEDF7DC4163\_image004.jpg
attachments\357CBB3D680D4907\_image001.jpg
attachments\5C2FF90531314D30\_image010.jpg

External Email

Representative Dent and some of his colleagues would like to submit this letter of support for the Keeping of Animals Rule. Please let us know if you need anything else.

On Behalf of Representative Dent.

Best Regards,

Patricia Tenney

Senior Legislative Assistant

To Representative Dent

House of Representatives

437 John L. O'Brien Building

PO Box 40600

Olympia, WA 98504

Telework (509) 941-2346

Any other relevant information, including your legislative website

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2Fwahouser">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2Fwahouser</a>

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2Fwahousegop%2F8">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2Fwahousegop%2F8</a>

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsoundcloud.com%2Fwahousegop%">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsoundcloud.com%2Fwahousegop%</a>

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.youtube.com%2Fuser%2FW">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.youtube.com%2Fuser%2FW</a>

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.instagram.com%2FWAhouse">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.instagram.com%2FWAhouse</a>

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linkedin.com%2Fcompany% state-house-

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fhouserepublicans.wa.gov%2Fstayconnected%2Fthecurrent%2F&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6bcc7c5b6bb463f

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fhouserepublicans.wa.gov%2Fstayconnected%2Femailupdates%2F&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6bcc7c5b6bb463

<a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fhouserepublicans.wa.gov%2Fstay-connected%2Fcapitol-">https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fhouserepublicans.wa.gov%2Fstay-connected%2Fcapitol-</a>

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fhouserepublicans.wa.gov%2Four-priorities%2F&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6bcc7c5b6bb46

NOTICE OF PUBLIC DISCLOSURE: Please note, this email and any documents you send this office, may be subject to disclosure requirements under the state Public Records Act, RCW 42.56.

From: DOH WSBOH <WSBOH@SBOH.WA.GOV <mailto:WSBOH@SBOH.WA.GOV> > Sent: Monday, March 28, 2022 3:27 PM Subject: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

CAUTION: External email.

The Washington State Board of Health (Board) has filed a CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals. The proposed rule includes a title change to Domestic Animal Waste. The proposed rule includes standards for the handling and disposal of animal excreta, or animal waste, for the purpose of preventing and controlling nuisance and health hazards.

The CR-102, filed as WSR 22-08-003, announces to the public that a rule is being proposed and includes the proposed rule language. The CR-102 is attached and related material can be accessed at the Board's rulemaking page

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc</a> rules-and-activity%2Fkeeping-

animals&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6bcc7c5b6bb463fb0d

You may submit your comments on the proposed rule the following ways:

0. Written comments are accepted through May 2, 2022, using the following options:

1. Send to the Board's public comment email address for this proposed rule: WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov>

- 2. Send via U.S. Mail to:
  - 0. Washington State Board of Health PO Box 47990 □Olympia₩A 98504-7990

Please Note: All written comments submitted to the Board will be considered part of the official rulemaking file, provided to Board members for their consideration, and will be posted publicly to the Board's website.

0. Verbal comments will be accepted on June 8, 2022, during the online rules hearing open to the public

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Fmeetings%2Fme information%2Fmeeting-information%2Fmaterials%2F2022-06-

08&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6bcc7c5b6bb463fb0d508d

beginning at 1:30 p.m.

1. Access and register for the online rules hearing: https://us02web.zoom.us/webinar/register/WN\_6vqdRyUmTamyb61z3wCSBA <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus02web.zoom.us%2Fwebinar%2

Important Information for the Rules Hearing:

\* The online rules hearing will be held via the Zoom Webinar platform

\* In order to give verbal testimony during the rules hearing, you will need to access the meeting using your computer, laptop, or device. Your computer, laptop, or device must have speakers and a microphone.

For more information regarding this rule revision please:

1. Visit the Board's Keeping of Animals rulemaking web page <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc</a> rules-and-activity%2Fkeeping-

animals&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6bcc7c5b6bb463fb0d or

2. Email Board staff at stuart.glasoe@sboh.wa.gov <mailto:stuart.glasoe@sboh.wa.gov> .

Thank you,

(360) 236-4110

P.O. Box 47990, Olympia, WA 98504-7990

Location

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.google.com%2Fmaps%2Fpla 122.9083621%2C17z%2Fdata%3D!3m1!4b1!4m5!3m4!1s0x549173f074205aa3%3A0x552ddc5f79ee44b6 122.9061681%3Fhl%3Den&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6l · Website

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01 · Email <mailto:wsboh@sboh.wa.gov> · Facebook

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FWashingtou. • Twitter

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<mailto:wsboh@sboh.wa.gov?subject=Please%20Add%20My%20Name%20to%20the%20WSBOH%20Ema

This announcement is being sent to the Board's general distribution list and other distribution lists associated with this rulemaking. Please excuse any duplications.

CAUTION: This email originated from outside of the Legislature. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Denise Haan Sent: 4/26/2022 5:13:16 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: comment

External Email

Hello,

As an animal owner I am aware that there are many issues --important to concerned citizens and groups-- that have as yet been worked out re: the proposed rule. These concerns include why there is mixing of livestock oversight with non-livestock (doesn't seem to make any intuitive sense), overreach in terms of rules on stockpiling and composting (and the \$\$ that would incur), unforseen complaints from urbanites who move into rural areas and are 'surprised' to find livestock, let alone wildlife ('why don't you all just shoot and kill the coyotes, bears, racoons, etc.?") in the area (I live in such an area), and leaving enforcement up to a local health officer (who may have limited to no knowledge about livestock) (I teach public health at the university level and livestock issues are not a primary focus of ANY public health degree program). Given this and other issues, it seems best if you all delay addressing the draft proposal in June's hearing and instead convene a work group to sort out the various concerns and bring recommendations to your group. That way you're not "unmaking" rules down the line. Thanks.

Denise Haan

From: Cathy Johnson Sent: 4/26/2022 2:26:23 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: comments on this proposed rule

External Email

I am a member of Back Country Horsemen of Washington and an owner of 3 horses that are kept at home on our 5 acres. I am very concerned that this animal waste proposal language has many issues that still need to be clarified. I am especially concerned about the language on composting manure, the risk of complaint abuse from urban neighbors and that there is no uniformity of enforcement.

I recommend that this proposal be put on hold while a task force is convened to deal with these remaining issues.

Cathy Johnson

2412 284th St. E Roy, WA 98580 From: Machelle Lewis Sent: 6/2/2022 7:07:14 AM To: DOH WSBOH Cc: Subject: Covid poison for kids

### External Email

I am very concerned that you are contemplating requiring a covid jab requirement for school age children. All of the jabs are still in an experimental phase and why would you consider requiring this? Neither our children or us are lab rats and I would definitely be against requiring this before attending, teaching or volunteering at school. You need to do some authentic reasearch about this so called medication and also peer reviewed studies about masking.

Sincerely, Machelle Lewis From: Daniel H Sent: 4/22/2022 11:58:09 AM To: DOH WSBOH Cc: Subject: A. Clark Disciplinary Hearing

External Email

I'm wondering when the disciplinary/final hearing for Amelia Clark of SRHD is scheduled for? I'm also wondering if this meeting will be online and viewable by the public.

Many Spokane residents have been following this case diligently, and we could use more information about the official findings of the board.

Thank you, Daniel Henry Spokane, WA, 99212 From: Omar Rodriguez Sent: 5/16/2022 12:49:35 AM To: DOH WSBOH Cc: Subject: Commit to no COVID vaccine mandates on children

External Email

Dear Washington State Board of Health,

I urge you to accept the TAGs recommendation and choose to NOT mandate covid vaccines on our children. Our state government should NOT be mandating Covid vaccines on our children. They are at extremely low risk for Covid and these medical decisions should be left in the hands of parents and their family doctors.

Sincerely,

The Citizens of Washington State

From: Dean Sevon Sent: 5/22/2022 11:03:45 PM To: DOH WSBOH Cc: Subject: Covid Vax for children WAC -246-105

External Email

This is absurd! It hasn't been properly tested for children, it could even be more dangerous than the current strand we're dealing with. You are beginning to turn Washington into California. I do trust you saw what happened to the School Board members in San Francisco!

Thank you for thinking,

Dean Sevon

425 626.9876

Sent from Mail

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F% for Windows

From: Darrell Wallace Sent: 4/27/2022 12:30:00 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed Animal Waste Rule

External Email

Your proposed Rule is deeply flawed. I support efforts to delay passage and form a work group to resolve the issues.

--

Darrell

From: linda m Sent: 4/26/2022 10:33:07 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Domestic Animal Waste

#### External Email

Many issues/concerns are unresolved. We are requesting they postpone the draft proposal from June's hearing. We suggested they allow a work group/task force of stakeholders to convene and sort out the concerns.

I'm 72 years old. I've had one to two horses all my life. I've very carefully budgeted my money so I could continue the life I grew up loving. Horse manure is organic, its grass and water. Don't ruin my life now that I am retired and can camp a little and enjoy my horses more then when I worked full time and raised a family.

From: Executive Producer VR Films Sent: 5/23/2022 4:59:32 PM To: DOH WSBOH Cc: Subject: 2) Re: ZOONOTIC DISEASE-& Ric Browde Kitty Block

attachments\C3B1157B647A4BEC\_IMG\_4950.jpeg

External Email

RickBrowde is registered in Seattle

This is what they've done to Texas One of the worst deadliest virus outbreaks in Texas history records are included

These pets were then shipped to your state

HSUS Kitty Block, Wings of Rescue Ric Browde & Operating Partners LASPCA Ana Zorilla, ASPCA Matt Berkshader caused the biggest Distemper outbreak in Texas history.

Canine infectious respiratory disease (CIRD)

Dog Flu same variant Bird Flu

Dogs & Cats Coronavirus

Human Transmission

After hurricane Laura ASPCA received pets from Calcasieu Parish those pets were shipped out only days after the hurricane made landfall.

Pets were received from Ana Zorillo LASPCA. HSUS coordinated the shipments into Texas HSNT where Susan Gulig is the director.

Hurricane victims that try to retrieve their pets from Calcasieu Parish were turned away and told to go on the Internet to find their pets.

Those pets were lost forever after they were shipped into Texas. Rick Browde Wings of Rescue is the shipper for both ASPCA and HSUS.

Their records show Pets with (CVD) canine infectious respiratory disease being flown across state lines.

Update Thursday, March 3rd The CDV Outbreak Kitty Block HSUS, Ana Zorilla LASPCA, Ric Browde Wings Of Rescue caused in Texas continues to spread like wildfire across Texas.

https://www.news9.com/story/62215159b062700729bbd823/tulsa-animal-welfaredeals-with-cases-of-distemper-virus <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.news9.com%2Fstory%2F622 animal-welfare-deals-with-cases-of-distempervirus&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C11d0e212

<https://lh4.googleusercontent.com/JrGZXAW8qFkTUWn8WE4AiFGREDJeDJKsec8M7KtgdAivENH7PxBq9uW u2Fb4tCOvTj1Alo\_Dw1AHFPxYA0-KH59zTHG4uBX1zAFHU6Z1cICH0UgWAGnYcRN09Ycyhkmg>

<https://lh5.googleusercontent.com/vx-8I1JA34U\_jKiNXMrht\_uIAQk72Ghba-\_hGSWULACRpjDK55oa8tfOf6ZMRG16us5hiBWBGuuE8xr39ddb5LEIQqz1fwE7-D2wfpzaMPt66HkHV6A7INZD2oday0FwmEYAWNsIMIFP1cCfbg>

The Shipments of lost pets from hurricanes shipped by LASPCA, Ana Zorilla, Bernard Unti, Kitty Block HSUS with Distemper caused the biggest outbreak in Texas history only to proceed the NRG arena 400 dogs with Distemper flown across the nation by HSUS ASPCA shipper Ric Browde Wings of Rescue and Adam Lamb BVSPCA.

A nonprofit that takes in donations to save pets but repeatedly causes those pets harm has committed fraud.

Greed driven nonprofits ship people's lost pets from hurricanes as a publicity stunt to raise donations.

The directors of nonprofits are spreading deadly viruses throughout the nation resulting in the death of thousands of people's pets and pets residing in the shelters where they dump peoples pets Lost after Disasters.

"The corrupt nonprofits are not "saving animals" they are causing their Deaths

C5aH\_Q8LsLfPdPBFzj4EhjCp6AYXW3CJ1IsRG6iwJm99BADNINI6KBj0XTkQWF5s41AOAccX0nB6aMGvY17C1J zO06\_B\_g>

HSNT Doctor of veterinary medicine Christina Jaramillo has a long history operating with the most corrupt organization, The Humane Society of the United States.

HSUS used St Hubert's animal welfare to dump tens of thousands of pets. This is the second highest kill shelter in New Jersey.

This is an incestuous group of corrupt Individuals who have operated together since Hurricane Katrina.

Additionally Heather Camisa was the director of St. Hubert's animal welfare; she came from HSUS.

HSUS reach is wide; they sink they're tentacles in every shelter across the nation so that they can use those shelters to dump pets from disasters. This gimmick raises hundreds of millions.

The veterinarian came from the HSUS Partner in New Jersey to the HSUS Partner in Texas.

July 2021 Outbreak

<https://lh4.googleusercontent.com/mTBpuUWe62ki1zhr5EELJ2E5SeiAFIWpVL2aAA0N\_Xku\_7QdxXvFlnN8o6FzBBhIhucMIohXomFU7fb4BXjF2yYi HrabcEs0liA6BRxdEN-obeDm1ZYI\_TQ>

pets caring diseases shipped across state lines

Shipper Ric Browde Wings Of Rescue,

Ana Zorilla LASPCA

Kitty Block HSUS

Dozens of outbreaks have been traced Kitty Block HSUS & HSUS Shipper Ric Browde.

July 2021 Distemper Outbreak

<https://lh5.googleusercontent.com/mOXguzP47wtTNJZo7gRt\_KD1QDvgEJ77-8G8w-xdUIuSUTDCefBlt3RTIvk1C7BniwO7ak-19Evu-

# Jp0NGRD3pjn8KdsbIlP3mShnEihynn3zBKnPJ40TWVVHrIM0t6UtygOVgipKq8gTU2Qrg>

## <https://lh4.googleusercontent.com/xRBkpaGOeW5Ggb8aMZfmVrvgWnyCHIbR1IyCVNTf9vl2pIZ7kHyG37y Ti\_q0aGUHP6s0VMK64k5cBGrYSa1F1GXAPDfdpA>

Texas stray or lost pets will have to fend for themselves after they allowed deadly viruses to be brought into the shelter by the Corrupt Nonprofits profiting from the Disasters.

Payoffs can range from about 5000.00 to 250,000 for directors of shelters.

Directors allow big nonprofits to use their shelters to dump pets; they've raised millions of dollars by deceiving donors.

The Distemper virus begins spreading throughout Texas

July 6, 2021 Outbreak Houston Texas

<https://lh3.googleusercontent.com/e0lD1hS7\_cDRYWjN66\_WqY2J7d2UlGISC1EKlGJxn4bz\_9d1h2CcrhNm0X6Ly74EsO2hI8UzWRhINSUvSDZeYc5kRH2lgch-UWA7bKa0eqDodKU46lfjh790c9iDqA0YDpOWcMBotlsXO6D1Q>

By July 18 Dogs with Distemper are being shipped all over the nation by reckless Nonprofits

<https://lh5.googleusercontent.com/Q8uD9AJnQvqO-YyGsi2QFSoIXLfBxII24aUAHMQj3aES-Ht59qcO4ycJVK208kVQugMU6dCQplfVAbciYYW71Yml6FYK-8PXzB\_HijsUW6PE4KzmbYfflUKmTMs5fdfRoipIIXFTXhgeFc944w>

July 29, 2021 outbreak Amarillo Texas

https://abc7amarillo.com/amp/news/local/distemper-outbreak-across-amarillo-causeschange-to-shelters-surrender-adoption-policy <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fabc7amarillo.com%2Famp%2Fnew outbreak-across-amarillo-causes-change-to-shelters-surrender-adoptionpolicy&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C11d0e21

<https://lh6.googleusercontent.com/xOu9TRfQuwCVT\_MvvTaja12EERFICCH\_5JoosS9-

jKvW1CCnGhAffBBRE\_sac5hCZ45HujyNZHuBxkdXJHyfFrPXQQud9VRKR-ZRqOIw5vi4kLFMHISvEGVF4uoYhhxX7AvmgkSA3GR8jWjUcw>

<https://lh4.googleusercontent.com/eE4090L1EHvM7mPZrfPszTImZmccW8v6TsftA1CZzX451CiNWH1wEJtT

Outbreak Bastrop county Texas

July 2021

HSUS Was under Criminal investigation after Hurricane Katrina for the same criminal actions they committed after Hurricanes Laura, Ida, Barry and Michael, shipping Disaster Victims Pets out of state. Raising donations on Disaster victims pets they're scattering across the nation and displacing pets even further from home,

Complaints have been Filed with Criminal Investigators in three states. HSUS knew there was an inquiry from the attorney general Office in Louisiana so they were very sneaky during hurricane Ida and operated under Tim Kunan never stepped foot in Louisiana however they raised Donations.

HSUS Operations were suspended during hurricane Laura and and St. Landry Parish they operated again without an MOU As described by Van Reed Director of emergency preparedness HSUS had no business operating in St Landry Parish.

Additionally HSUS Caused Another

DISTEMPER OUTBREAK in St. Landry Parish.

HSUS BVSPCA

<https://lh4.googleusercontent.com/AfYyU3OCaSIGr6xLUIMFy2ZG2nLGdb0-HQx0iFpocMLt0p5L7f\_7gT6ZIQDPK1FOiCcWrq0\_jjOgZxa-9Dzz02\_wbXuGDOQcFfFv2UY8X\_7WLBYoxuxqRHs388Y-CVdPtDe5mTYEEGU75ApUg>

LASPCA HSUS Operated together Shipping Sick Dogs away from their homes from Calcasieu Parish after Hurricane Laura and into

The Humane Society of North Texas

<https://lh3.googleusercontent.com/uWoWSQ1WiQY3QXSI1g8inxFGuw9tFzrgmQjFBA56yPI30ekskIno\_8Ne a33-flt15tscLSSPHXt12027AH9Qdw> <https://lh6.googleusercontent.com/F3t2B92-tRG1n4pTI\_RzvotcxC8IDbL75gp7o\_395V34tvD2ujGqD57sWHj-b6qrpR8MwYVc3L6hhEDOVwGRKTchEfCNgSkWPEVB5dPDEKqMjbxfh7RwC7k-cqgwIdyw\_pH4TXRh\_A0d\_5g>

<https://lh6.googleusercontent.com/G9vfK\_L6zMnJJxvqwwAhhraUr9I3B78ugQDjzc7tP-EMNCi2gCsIXbYPqp\_AmAD7w2wu3d4NnmFPm4J6ovZ2iX2-GXrc1ofkK0F55BYGd5VDFfdQPrxC62sU-QtOnF-7vYOqNo9EvWDrG9d4jQ>

August 2021 Distemper Outbreak

https://www.seattledogspot.com/texas-dog-rescue-causes-distemper-outbreak-in-northwest/

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.seattledogspot.com%2Ftexa dog-rescue-causes-distemper-outbreak-in-

northwest%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C

<https://lh3.googleusercontent.com/cNEtoPB9ulpSnzXU5CclE9bHW6HYv2J61qYrC-

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<https://lh5.googleusercontent.com/wC47n4GDtgsOeZq004GJiflzaH903Xf8L2LWwABG7S7E1Gx1N56cBRtZ iUg9Uk-Z9hY9qP6QjmtBdAchm3dcI1GYhf7PtRRRPK776x5RTCsyxQFg>

<https://lh5.googleusercontent.com/kfyPhhk6-FFATLm5B82Tm\_vqXhiCTwOObc-

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<https://lh4.googleusercontent.com/qFyeTdIxNdVBhAwY6Lk5mhe5BnupMqZnZc1aXfA0wRWKXTGhAGAnPE

https://www.wfaa.com/article/news/local/overcrowding-possible-viruses-and-fireworks-fort-worth-area-

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.wfaa.com%2Farticle%2Fnew possible-viruses-and-fireworks-fort-worth-area-

. &data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C11d0e217264

NBC reported Texas as a high kill state for pets. Why are nonprofits dumping more pets into a high kill state?

<https://lh5.googleusercontent.com/TuY55PpDDAvBY2\_YNLDeHWT5AKShvQn71nOI3whZq67h2xhE0Q\_9S8SuGdJSIxC\_eMmFXirXSnZZgBkbRnCIkCUaclC3EaTPoynyBtMi8Mt2FS5G5ncciLimieipnmq3NVu

The shipper is Rick Browde, Wings of Rescue.

LASPCA - HSUS - Wings of Rescue Caused the Worst Distemper Outbreak in Texas History after Dumping Families Lost Pets carrying Diseases into Humane Society Of North Texas.

https://www.fox4news.com/news/humane-society-of-north-texas-cancels-mega-petadoption-event-due-to-distemper-worries <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fox4news.com%2Fnews%2F society-of-north-texas-cancels-mega-pet-adoption-event-due-to-distemperworries&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C11d0e2

Distemper or Spread throughout Texas

https://www.nbcdfw.com/news/local/humane-society-continues-to-work-with-medicalofficials-to-control-distemper-cases/2677362/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nbcdfw.com%2Fnews%2Floc society-continues-to-work-with-medical-officials-to-control-distempercases%2F2677362%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d18

BARC animal shelter closing this weekend due to upper respiratory illness outbreak

https://www.houstonchronicle.com/news/houston-<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.houstonchronicle.com%2Fne &data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C11d0e217264 Pets Carrying Distemper Missing from Hurricane Laura were flown into the Humane Society Of North Texas by Corrupt Nonprofits Rick Browde Wings of Rescue Shipper for Matt Berkshader ASPCA and HSUS.

HSNT was housing nearly 1000 animals before they arrived. Families we're still searching for their pets back in Louisiana

The Distemper is now sweeping through Texas it is the Worst Distemper Outbreak in Texas history

Dogs and cats arrive by HSUS Shipper,

Rick Browde Wings Of Rescue.

Pets can be seen on tarmacs in direct sunlight with no water and Displaying signs of extreme thirst. The extremely young, elderly and sick pets have an increased risk of death. Pets were packed so tightly there was no ventilation on the Wings Of Rescue airlifts.

<https://lh5.googleusercontent.com/JEODSrabMrlSgXgQ\_\_\_9kAZ94kS6AaYCDbOInHAjD\_yWxfkVotNBWPk\_bC0hsgoboioS0LrEaHBjcYwDpXpBLLUJW6LVMM6qK9CY5wHBzCKrX2xUP0dRTu

Rick Browde Committed Felony Animal Cruelty

Inhumane conditions caused the death of pets taken from the hurricane zones.

July 10, 2021 DISTEMPER OUTBREAK

When the 1st Distemper Outbreak was Reported by HSNT but Reviews on Facebook Yelp & Google Show sick animals were being reported that were sold to the public by HSNT.

Ric Browde is spreading disease into Texas after bringing Lost Pets in from Disasters via the HSUS ASPCA and their partners

The deadly viruses brought into the Humane Society Of North Texas Exposed other pets and resulted in thousands of pets dying and having to be euthanized in Texas.

The distemper outbreak swept through Texas animal Shelters and parks.

Bernard Unti, Kitty Block HSUS, Anna Zorilla LASPCA and Ric Browde Wings of Rescue Caused Outbreaks Nationwide

<https://lh4.googleusercontent.com/ceidIscxOJbttwec-YdmtzWJ9jKIcopvwmZMtwR2GapVQgtr6Qz25k2Ba8Vl7kD15yYWSMoGRILwggA2sNdDHz\_kaMPei9CMcdjp2-FO9DiT8AU3QOIfXvJVznFk4YJHpaPWkJeEj977putiQ>

Hurricane Laura

Pets originated from Tim Percivul ASPCA Calcasieu Parish and were released to the LASPCA, turned over to the HSUS and flown out by the Wings Of Rescue. Those pets were carrying the deadly Distemper and Virus which is noted in their records so they knew they were flying pets across state lines carrying CDV.

Many of the pets originated from

Tim Perciful ASPCA and were shipped out by HSUS Shipper Rick Browde Wings of Rescue.

The organizations 2018, 990s show embezzlement in ProPublica.

Who operated Illegally and would not allow people to retrieve their family pets from Calcasieu Parish.

<https://lh5.googleusercontent.com/L5-KzsKXSBHxD17WESWd5VKysobkGWNn\_-\_lwdP299dulQfbZi2QKQYZNQXHS\_lbOqOJB9-MWo29ERUQfIHFrrHOsVBTvNvg-IG8ITiyTw0pr5oCnGYla5xUxqqnJjJiSHfx9tiYRSmjzuW7Gw>

2,163 pets were needlessly dumped into the Humane Society Of North Texas from Louisiana.

Nominal amount of money was wired to the Humane Society of North Texas from HSUS.

<https://lh5.googleusercontent.com/ZcnvL1bQ05ucf8sNLqXZU5YA2vD4Hn7XpRlAVmqviH7a8Bza\_DGUoG12 q-9lPHx-5heR8wkfBA5G3G5Cj2Zr0RDUyRDoo3MrAlvRM0-pqqfn-F42J5bSO-ZzgoIt9dkptrQ>

HSNT Data

<https://lh5.googleusercontent.com/8XxFqxFRmZyyuKEuAWN3ayo8unJrBb6Q2LNgo7poZuDvX4nAg0\_ERKfryxEw6MtxTsqFZUXcHFt1TM0bIBKYMgwYdCTqw>

HSNT also received additional Animals from the Houston SPCA, pets were shipped from Louisiana to Texas

<https://lh5.googleusercontent.com/kMdMtMwJe5fHQqYZrb2xjbH0xoG72aDPq3db244\_t1xguWInSAV\_qOiycytz6T-MM13\_zuVJISuNt4jKu8shWoAW59x1Fp2LAexhZTBzE7MxbGDYK1M8OJxLSD9Z4qRGPc1DHsyK8DPuMVCg>

Shipments came in to the Humane Society Of North Texas from corrupt Nonprofit,

The Humane Society of the United States

(HSUS) after Hurricane Laura.

HSUS coordinated Shipments with the LASPCA and Wings Of Rescue Rick Browde is the main Shipper for the Corrupt Nonprofits

Records show pets were transferred with Canine infectious respiratory disease

<https://lh4.googleusercontent.com/nHSeKg1EqL1av25wgHO8r\_1yjm8wA6HoD6lOiBWQ7eYakYZwhC3SnOZ0hx\_GN4Y6ikZ8sH-P3XkXVTRoCBmArVzTprYY8gqpO7LLRZAc1RJDdFMNYFnCrSyObB4TNdaS7HsAwP\_hmfpwBcxgw>

<https://lh6.googleusercontent.com/y47DLo-D4vWKBg4xg\_VzuqP2bsVqyy4n\_XkaSi-\_o9c7xTqL\_fBW0umrCmKY6Y8IG5War4YoiFhEf3JTDzwSFZs14sYXfadjt2zlK5pu\_CJy9EGEFSd7XMkRqOInBrL

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ymVwnVK033ISWVINcYoq0gUB8cQjAcTTNsWoSY6EZ00ICPH3GN3rzGWyNK-snvzeQ> <https://lh6.googleusercontent.com/DSimsFdK\_-COE6cYIFfYOdsq\_fYxFHhYr02zXnocCwtHOXvg3gYaPaZhKxEveXZUA5\_IMdqyzkHfQG7t0VXI56biiem0CJpmxjtf-4Mwg83XLIU1JUBL3LNdIU-Jn\_YyTUOOP26Xvh9-Xs8Gg> <https://lh5.googleusercontent.com/mAjGzNUhpo5E148eU24urar4\_\_\_WJfNmNOLkCCwFn-AUFItPjmTe00VZ4STNpeiJ77tnRKirDzYInGoZurrFcMamn0WWZomcW51djpZGmPSdpknnv248sIcRMxOqZsc9

<a href="https://lh5.googleusercontent.com/PejqrNwlizu99fw6ZLM0UMqnPjCvfwLJwIGMQhcq5j70yEuoBtlnYeJDvfs5">https://lh5.googleusercontent.com/PejqrNwlizu99fw6ZLM0UMqnPjCvfwLJwIGMQhcq5j70yEuoBtlnYeJDvfs5</a>

The men behind the biggest scam ever perpetrated on The public that donates to Animals. HSNT has been used as a dumping ground for pets they raised millions of dollars portraying they were saving.

<https://lh5.googleusercontent.com/wDjqaHsbdpAcaFHYP4p0SwtaYBDFI3WzBD84r1hmATy0XPdtkVtzhePbyjLw10dTI2mrdHyPm1yE\_B50SBUD3uA061InNIhDW8Bhl1Swoy2JMkVqcO2mSpIq6zCn07db1bhgD19GQ9MU\_

<https://lh6.googleusercontent.com/gmE4iJF973uCnN4apvcvMOQnOR6lQPTxY23kBJxVoQiwKoiOEb3dxY3aS

HSUS shipments that brought the New Strain of Canine Distemper Virus ASIA1

Into the United States

There were several other shipments prior and outbreaks were prevalent after.

<https://lh6.googleusercontent.com/wP\_4Vhw5I\_C\_tNRI9MsIB6mYSVdkua5KzrxFZz0uocNaleZoDkvqica0ciyc541Z8ZiVyaHOutl04q\_PJ0icne1nzngBp2Ggd-iUuTGL9LZXTxYgc4x2k4rPp5FHcyP9Kg>

After hurricanes corrupt Nonprofits HSUS, WOR LASPCA & ASPCA began the Reckless Shipments

Families' pets had not been given a chance to be reunited with families and were lost in the system.

HSUS & partners exploited missing pets from hurricanes as a publicity stunt to raise donations.

It is a felony to ship sick pets across state lines

It is also a violation of HR 3858 to remove pets from their home states without a chance to be reunited with their families.

HSUS was nearly indicted by the Louisiana Attorney General after Hurricane Katrina for the exact same thing!

Pets shown here are transferred with (CIRD) canine infectious respiratory disease likely Canine Distemper and other infectious diseases.

Matt Berkshader

ASPCA

Rick Browde

Wings of Rescue

Bernard Unti

HSUS

Adam Lamb

BVSPCA

And others.....

<https://lh3.googleusercontent.com/tTTWrUg\_Q8o\_fCG4A\_JTd30ueivdh3yoa8JXsG33Gj5wdYH4l92DjBJQfS e6vbDXJE\_sweOpKFzIZ\_jGcma\_A2HWyzSp6\_KvbHA>

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<https://lh3.googleusercontent.com/BeQ-

3zaA1qlAcccn1yJ2xBSxYzahPQZf6xVeLDlPnazSZBECLHdPjSs9Fl3SQtc2waPkkGXE65ohUxrSbuSq5Fi3YN9HEcBadqPO-TU-6suNu6SLjmqFqDX5O7yoeqZtFNV RCtQN4qxtfrXq> Humane Society Of North Texas

CEO Susan Gulig

Virus Outbreaks after pets are delivered from the HSUS, LASPCA,

Wings Of Rescue with Canine Distemper.

Many of the pets originated from ASPCA Louisiana state animal Response team from the Calcasieu Parish animal shelter

Pets were never given a chance to reunite with their families after Hurricane Laura

<https://lh6.googleusercontent.com/o2TD3ASJR3ZZrErWVDUxEODZqeDI72nsNe0FGQpgAPARXMTpisQ7Vv6 YEbLeCHxdh9\_6Mu5p83qeZG\_NtmWFKliOiS6vc5Roc5Bg72K0Qp1bZy7WLoYcz5MVhZ0O0xDmTNEuix\_Q>

May 26, 2021

HSNT SELLING SICK DOGS MANY STOLEN FROM HURRICANE SURVIVORS

HSNT Reviews repeatedly tell of botched surgeries

HSNT spreading Deadly and Viruses to the public's pets which cost the Public tens of thousands veterinarian bills and spreading disease into the general population of Fort Worth Texas.

<https://lh5.googleusercontent.com/ZbNqeMQFYrl3VAL-k6f-Ko\_55NCfNtZxFJxlnHNIqme\_4aGPEvonAbnw0QAjz1hq2deZ1pvxlsnYBeEtvperO4lGa\_00cgAVLB4L1tOUfb21toqny5LVFiSBfT6igO464chjc\_VoazPQwAxnA>

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Corrupt Organizations stick together

<https://lh5.googleusercontent.com/Kac0TjD4DIr5pkInKtioedjtO8VVN1UU5DdfFJZqYTmh3ZMS8-5zRkrCI99BN829UNJqdwTaOqAaZbYjbHAWtQ0PGZNr5rQm5vQpyjXpcAT0irM5AW9SzwwJLUT0MAwpohxKnL

Disease Spread to other Texas animal Shelters some have indefinitely shut down others stop all adoptions and begin Euthanizing.

BARC Houston

Humane Society Of North Texas

Dallas animal services

Texas SPCA is closed -Director's have not explained why

<https://lh5.googleusercontent.com/FxWq6XH4J8kwaxpf4E8b4I0t61ydzQUBaW8-HH0Cc6pOQBTYeXkNc8QFCwtymhExx-WcxlgeCd9iMdMc0ViEHHWgelhJuIi1ejL\_Y6vTS\_YVROsVcfpvJ7YUsA1cektCoSWiIf60dszf0R6vjg> <https://lh6.googleusercontent.com/m4pXsOAKh\_IBIS7i8dVdtuUNwWxe6ukE30oWb98X71KC\_XBFu9KHINmftBeaIiTtdy3YdLCBzzqpjPZ9WPHvR030bIa6-T47D-nIVtJZSGOgPfJgkYgao2iKKcvZBPuoQjRQRfMmil\_7niN2Q>

Thousands of pets were dumped into Texas by Rick Browde via the HSUS and ASPCA

Overcrowding and viral outbreaks have destroyed Texas animal shelters' viral health and minimized the chance of adoption for Texas Pets already residing in those Animal Shelters.

Nonprofits are not saving pets lives,

they are causing their deaths.

<https://lh4.googleusercontent.com/aGVrJy\_gCubpPfDos3OvqhhcORGgPpoMZPo6dLiqvxtFbYmodmpe3sE4h<https://lh4.googleusercontent.com/4hV-

0niA8J47EARaAIp3ueHDaykqIFKp7C7pgkBIQOHt6GT6j4uZef-Sb7CcGMC5-

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yQYxBtJYwPhhq1bLntCLxRNTZbrAEiNgYm8n2\_suw8GWieHlUOiBCUIdRUQGC9TahkoTFZ7VAhjrG8ZRDuTLjH0ncssA> <https://lh5.googleusercontent.com/CMrI3qzAdhG2034\_nk4Wm1jMEZ-O-

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<a href="https://lh5.googleusercontent.com/6ofnMudOLO0TdNk23dO7ebd8Z2RhUuxX9\_oyS135GE-">https://lh5.googleusercontent.com/6ofnMudOLO0TdNk23dO7ebd8Z2RhUuxX9\_oyS135GE-</a>

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<https://lh4.googleusercontent.com/ZdE8NY\_6ktO2uJ8Zm285vszFvgQ6uEwIQedYn1zZRRR9WX3DTDxBne0<https://lh6.googleusercontent.com/nVILNkRe4uh9\_tofa-

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<https://lh6.googleusercontent.com/b6ud-

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<https://lh3.googleusercontent.com/a6TvoScpe4NNzPt2l8XzwW0eu2SESNtJk8TJfPjqaWUV068CGZ4R7UmS V4Z9om9TirBey9p8MOopS9Qhat\_QS527gsM79gWehXinsrnIqBoPEysOkvN5zTcXC80gsnct3bEA>

<https://lh4.googleusercontent.com/67KERJTD8CxqDfhO6jLS8taf7\_bWA30TNgJ0Lb7CZlzk36qyOTCeEiwUB ybZlX6Pj77uFFtwID6O\_WW8K87QoNz0utNe1uG25mu9K5c3A6Krow8cXNVQ> <https://lh3.googleusercontent.com/7p7VLw\_j1uMSfW0x81vw1YrU9Iz-6JznNpVzKTxE0e275UWmehXANwEm-Mjmmmz08F74DvMOIOPWCvMsX4Ekh9HfCKRRExKgxnrwxSNRzK0ez5wq5K89vCpcdl95ooAtwPrWBbAbFrpkKTPQ>

<https://lh3.googleusercontent.com/\_Fpbv\_GKygaQYnbDclGmUIHCEqVqcFt7CBfULF7i1FjWqpdnk6wpEUjlgGyjYsUGHV8GOhv-Q7xKTOoFdarq1KCTTNRlsji5umwpa52e2xaNbSDxnNT\_CiJt9JH2bXP0M5o\_9wVkZyx5iUT4A> <https://lh4.googleusercontent.com/Hz-xj4LILo8dgONSydzmpaSaMHwuMGvts8wEkpvftRrIy72WNNbvypUKk9ZdHTfpURAPy3DG1bN9pTX\_m1FPtrEIf802nVAcrBnkjb7L e1foaAF1pW1D9ZcFug>

## \* 2021 CDC BANS IMPORTS OF DOMESTIC PETS

\* RABIES OUTBREAK CAUSED BY ANIMAL

### CORRUPT ANIMAL NONPROFIT

- \* MULTI-STATE RABIES INVESTIGATION BEGINS
- \* EVEN AFTER CDC BAN HSUS DOMESTIC IMPORTS INTO THE USA

Nonprofits pose a biosecurity risk to Poultry Farms

Influenza is spreading to Poultry Farms

and animal species have been found to be affected by a specific strain of avian influenza (Guangdong lineage H5N1

<https://lh6.googleusercontent.com/N9\_nRZKUC4hmUzMkskL0FT5SRfRO42aut5CYnI\_h0HkSyW9D3i72YuYyTxJba8ni4PekXot6WP5qqsQWBO4Rwc22TtutZpBfYENPkX IzJ-aGg16y4kHog> <https://lh3.googleusercontent.com/9P7PoRZo4NNehw4\_z6sXzRQn5bIWGAFM\_X6ji2T5zdire360RNgNEYbH FvGRfuc6DeUl6R0I-0upMAgWEoSawVR\_IKfet\_E7AZm90X5IIbAAAi2JIZjnGBynOVzcy8Q>

HSUS Was under Criminal investigation after Hurricane Katrina for the same criminal actions they committed after Hurricanes Laura, Ida, Barry and Michael, shipping Disaster Victims Pets out of state. Raising donations on Disaster victims pets they're scattering across the nation and displacing pets even further from home,

Complaints have been Filed with Criminal Investigators in three states. HSUS knew there was an inquiry from the attorney general Office in Louisiana so they were very sneaky during hurricane Ida and operated under Tim Kunan never stepped foot in Louisiana however they raised Donations.

HSUS Operations were suspended during hurricane Laura and and St. Landry Parish they operated again without an MOU As described by Van Reed Director of emergency preparedness HSUS had no business operating in St Landry Parish.

Additionally HSUS Caused Another

DISTEMPER OUTBREAK in St. Landry Parish.

LASPCA HSUS Operated together Shipping Sick Dogs away from their homes from Calcasieu Parish after Hurricane Laura and into

The Humane Society of North Texas

Pets were dumped in the high kill shelter Broward county humane. Newspaper article show mass killings.

<https://lh6.googleusercontent.com/OMi8mCmIQyLuGtam6wnsDiKIZX7GmPq2Rl9NyxsA43wYwV24C0pLfW 9ZrLl-GmWi8wGkRSVutMg>

<https://lh6.googleusercontent.com/F3t2B92-tRG1n4pTI\_RzvotcxC8lDbL75gp7o\_395V34tvD2ujGqD57sWHj-b6qrpR8MwYVc3L6hhEDOVwGRKTchEfCNgSkWPEVB5dPDEKqMjbxfh7RwC7k-cqgwldyw\_pH4TXRh\_A0d\_5g>

<https://lh4.googleusercontent.com/\_8g\_rClG6B0eXV0bvbmUtw3yocaewQ5OVzOP1ZQDnCf7PwlWwSyMuK pRNWx1Cnb2l4YVC4BqhJgwCSO8FIeHnCV0uJmW0PZ-NueFTD28KWiGNqDRvVAhNQPnsJNaBHVf4yVxzbXzUzA>

Susan Gulig is part of the same corrupt crowd that continues to disregard how dangerous shipping thousands of pets across the nation is and how dangerous Distemper is to not only Domestic pets but also Wildlife.

Susan Gulig was partly the cause of the biggest Distemper outbreak in Texas history and where the outbreak began at the Humane Society Of North Texas known for selling sick pets to the public.

Dr. Anderson A local veterinarian speaks of the horrific conditions and adopting a very sick animal from The Nonprofit Humane Society Of North Texas.

In 2019 over 50% of the animals were killed in the Anderson animal shelter Texas

The Anderson County Humane Society euthanized 44 adult dogs due to a distemper outbreak. Up to half of the dogs have already been put down.

https://www.palestineherald.com/news/44-dogs-to-be-put-down-in-distemper-<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.palestineherald.com%2Fnew dogs-to-be-put-down-in-distemper-&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C11d0e217264

During 2021 it happened again

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https://www.indexjournal.com/news/breaking/hsog-treats-3-cases-of-distemper-in-
animal-shelter/article_5a044ff1-847d-5e86-afab-a94ad48b9e78.html
<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.indexjournal.com%2Fnews%
treats-3-cases-of-distemper-in-animal-shelter%2Farticle_5a044ff1-847d-5e86-afab-
a94ad48b9e78.html&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff
```

Canine Distemper Virus Asia 1 is circulating, it is vaccine resistant and it is a human Measles variant.

Mega Adoptions are what the Corrupt Organizations make millions of dollars from.

These pets are being illegally sourced from hurricanes and tornadoes.

PetSmart Customers Pets Likely had Pets

Affected by the Viruses they were spreading into the community and at PetSmart Adoptions of Stolen Pets Sourced in Calcasieu Parish after Hurricane Laura.

DVM Katherine Wilbert

Dana LA Paws, Asia & her Rescue Partner at Compassion Kindness

All CONFIRMED Families looking for their pets were DENIED ENTRY to The calcasieu shelter by Renee Poirrier and Matt Berkshader who claimed the shelter was

"To DAMAGED to ENTER"

This Group of Individuals has operated together since Hurricane Katrina

They also work with Ric Browde and Adam Lamb Who are shipping and selling sick pets.

Excerpts of records show people's pets were shipped out of state after Disasters are

provided in this Document.

The Nonprofit Director Ana Zorilla Redacted Microchips and shipped pets out with by HSUS.

Browde spread Distemper into Animal Shelters across the nation after Hurricane Harvey, Browde ships thousands to Adam Lamb who sells and ships Sick and Dying Pets.

Pets originated from Calcasieu Parish ASPCA . Matt Berkshader told hurricane victims "the shelter was too damaged to enter." The pets were quickly flown out by HSUS Wings Of Rescue after they were turned over to LASPCA.

The same group did the same after Hurricane Harvey at the NRG Arena with 400 dogs with Distemper being Transferred Across the Nation.

The same groups use the same shelters and every year the same outbreaks occur but this time it's worse because the HSUS brought in the Deadly CDV Asian (1) it is vaccine resistant.

The directors of the nonprofits that caused the death of animals are guilty of felony cruelty to animals and Fraud.

We have tracked the viruses to the shelters that continue to Spread Distemper after each hurricane.

The blame is not on the animal shelters that did not receive pets from out of state, but of the shelter directors that did take animals from out of state disasters.

Those Pet Nonprofits Directors in

fact created a whole new disaster in Texas.

<https://lh5.googleusercontent.com/W0RGxiyqyzjf2ETuOTJTBjIZhtUdJb4YgmC\_8fBUEFBP\_mQjpDIR3v136> NIZDayuHORRkpaOJJXdPAyHic9wY01iRyWtV8\_CJuUAPCHE060\_t4aWx1nrc0KJA>

Mega Adoptions exacerbate the spread of deadly virus outbreaks.

DEATH CAUSED BY NONPROFITS CONTINUES ACROSS THE U.S.

<https://lh6.googleusercontent.com/w3fF5DMXM8Ai3FJbg\_9TvWzcIHdBX-

n9xJS9NhGl7ivWNHsWeYIsleONLSCNU1mq0CoAHuZJjo7uIS56hltG\_30KgwQSbJ2QsJwW92I8xdx1gSDixGyhyCMmQR1tz3XEAm02NOmf\_qE6cylw> <https://lh6.googleusercontent.com/YVHTu3m5gHN1EvqoKcE0pjoCE4uPhcoiQvVQvIIUzTlQzZMIOAVcyQjkE VqB8ybJqGwW0GR2FLrgD1gNA6ngr49Z2M1GoFA>

Additionally Cat Outbreaks in Texas caused the death of dozens of animals.

<https://lh3.googleusercontent.com/XnC3lq3N6raW\_j89OQVweeLeMbG7o6qjoqG6kALFHmnadwL0fJBVPEn0 <https://lh3.googleusercontent.com/ybppgKxUqRxuQWRhHUSMblZBbCBu1tdCDmh-RK8xL0JVfEOQ5nVagEYf1vbD8hSTy0AXr78L-LmKR\_FgWkMVK3FzC0DyJaGtUdXGLvz10Jlz4UCvLo8e7l5zywQR5dL34dU\_hXpSvsDBxva9ZA>

https://www.statesman.com/story/news/local/2019/06/04/virus-kills-44-kittens-9-catsadoptions-suspended-at-san-marcos-shelter/4989783007/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.statesman.com%2Fstory%2 kills-44-kittens-9-cats-adoptions-suspended-at-san-marcosshelter%2F4989783007%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da

Seattle Humane 300 pets from Texas animal shelters.

Virus Outbreaks continue throughout Washington state Many of which are zoonotic.

https://www.q13fox.com/news/seattle-humane-plans-to-take-in-300-pets-from-texasanimal-shelters

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.q13fox.com%2Fnews%2Fsehumane-plans-to-take-in-300-pets-from-texas-animal-

shelters&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C11d0e

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On Mon, May 23, 2022 at 6:57 PM Executive Producer VR Films <vr360ent@gmail.com <mailto:vr360ent@gmail.com> > wrote:

Can you Google the sheer number of Shipments into Washington via Wings of Rescue HSUS and other corrupt nonprofits

Google Wings Of Rescue HSUS shipments Seattle Humane Hurricane pets

Google HSUS pets arrive from China Korea

We have reports from the entire country RickBrowde and Kitty Block that's caused deadly virus outbreaks killing thousands of Domestic pets and Wildlife

<https://lh3.googleusercontent.com/iBrhthcHhyLVVZHOrAVByLygIxrxU1PGW\_6HD8PvwUcmhjcZ0AhV6iC8C

https://www.q13fox.com/news/seattle-humane-has-urgent-need-for-fosterparents-following-large-transfer-of-dogs <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.q13fox.com%2Fnews%2Fse humane-has-urgent-need-for-foster-parents-following-large-transfer-ofdogs&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C11d0e212

October 29, 2020 Wings Of Rescue greater good continued to fly dogs and cats in Washington during the pandemic and even after viral outbreaks resulted in dogs and cats euthanized.

Wings Of Rescue flew pets from the Humane Society Of North Texas a shelter they caused the deadliest distemper outbreak in after shipping pets with canine infectious respiratory disease from Louisiana into Texas the virus outbreak spread causing the death of insurmountable Numbers of disaster victims lost pets and pets that were already residing inside the shelter at Seattle Humane.

https://www.fox46.com/news/wings-of-rescue-flight-transports-rescue-animalsfrom-texas-to-seattle/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fox46.com%2Fnews%2Fwing of-rescue-flight-transports-rescue-animals-from-texas-toseattle%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C11

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Seattle Humane not living up to promises made in \$30 million campaign for new complex – The Seattle Times

https://www.seattletimes.com/seattle-news/times-watchdog/seattle-humane-notliving-up-to-promises-made-in-30-million-campaign-for-new-complex/ <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.seattletimes.com%2Fseattle

news%2Ftimes-watchdog%2Fseattle-humane-not-living-up-to-promises-made-in-30million-campaign-for-new-

complex%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7Cd054a570a8664d3e94f908da3d181ff2%7C1

https://www.q13fox.com/news/seattle-humane-plans-to-take-in-300-pets-from-texas-animal-shelters

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.q13fox.com%2Fnews%2Fse">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.q13fox.com%2Fnews%2Fse</a> humane-plans-to-take-in-300-pets-from-texas-animal-

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VR360 MEDIA Los Angeles CA.

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VR360 MEDIA Los Angeles CA. From: Kim E Merrick Sent: 4/26/2022 6:20:17 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comment from livestock owner

External Email

Hello State Board of Health;

I keep 2 mules on a small property in Jefferson county. I am a member of Back Country Horsemen of Washington (BCHW), and I have attended two 'Horses for Clean Water' classes to learn the proper way to manage my mules. This 'Keeping of Animals' proposal is an issue that could really impact horse owners all over the state, especially small farms.

I don't think there was enough collaboration with stakeholders for this policy change. Different jurisdictions will treat this very differently, depending on the understanding of livestock diet and best practices of managing manure. If the Health department in Yakima County and the health department in King County enforce the rules differently, it will greatly impact who is keeping their horses where. I would say that King county has more and better managed equestrian trails than Yakima County, but there is a greater chance their health dept. officials will have less experience with livestock, thus reducing the horse population in King County.

It's clear to me that this proposed policy has a long way to go before it will be fair and relevant to the livestock lovers of Washington State.

Responsible livestock owners WANT to be good neighbors.

Please delay the draft policy proposal until some kind of task force with STAKEHOLDERS can be formed to address these issues

Thank you, Kim Merrick Sequim, WA 253-262-6188 From: Executive Producer VR Films Sent: 5/23/2022 4:57:37 PM To: DOH WSBOH Cc: Subject: ZOONOTIC DISEASE-& Ric Browde Kitty Block

attachments\1DB3ABBA0A644694 IMG 4950.jpeg

External Email

Can you Google the sheer number of Shipments into Washington via Wings of Rescue HSUS and other corrupt nonprofits

Google Wings Of Rescue HSUS shipments Seattle Humane Hurricane pets

Google HSUS pets arrive from China Korea

We have reports from the entire country RickBrowde and Kitty Block that's caused deadly virus outbreaks killing thousands of Domestic pets and Wildlife

<https://lh3.googleusercontent.com/iBrhthcHhyLVVZHOrAVByLyglxrxU1PGW\_6HD8PvwUcmhjcZ0AhV6iC8C

https://www.q13fox.com/news/seattle-humane-has-urgent-need-for-foster-parentsfollowing-large-transfer-of-dogs <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.q13fox.com%2Fnews%2Fset humane-has-urgent-need-for-foster-parents-following-large-transfer-ofdogs&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C3978e60b0618441e3eea08da3d17f8c4%7C11d0e21

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Seattle Humane not living up to promises made in \$30 million campaign for new complex – The Seattle Times

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Seattle Humane plans to take in 300 pets from Texas animal shelters

https://www.q13fox.com/news/seattle-humane-plans-to-take-in-300-pets-from-texasanimal-shelters <https://acc02\_safelinks\_protection\_outlook\_com/?url=https%3A%2F%2Fwww\_q13fox\_com/

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.q13fox.com%2Fnews%2Fse humane-plans-to-take-in-300-pets-from-texas-animal-

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VR360 MEDIA Los Angeles CA. From: Melody Meyer Sent: 4/30/2022 8:56:44 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste policy comment

External Email

Please delay creating a policy without agricultural and livestock owner committee creation.

Please do not implement any new wording without a sustained period of time and committee input from agricultural and livestock people.

Please be sure that the there is a differential between livestock and domestic pets being cats and dogs versus cattle horses goats etc.

I am a horse owner, I compost my manure I turn it into great high quality organic soil, and I use it in my gardens. Every single year. This would substantially affect my operations and my gardening. Though I am not a commercial gardener I depend on the ability to utilize my manure this way. I make sure that it does not have any impact on groundwater. I make sure that it is kept separate and stored responsibly. I also fertilize my fields with it. The immense cost that this could bring to domestic livestock owners would be crippling.

If the department of health is going to create a law about disposal, I would ask that they absolutely create a low cost and effective disposal system as well for horse and cattle owners. If a system is not created and we are forced to dispose of manure through the landfill system or other currently available disposal systems the cost would effectively force us to lose our animals. This is an undue burden on the citizens and it is unfair. Please consider all of these points carefully.

Please delay this bill and allow for further discussion and committee work for at least one year.

Thank you, Melody Meyer 253 961 8840 From: Kay MacCready Sent: 4/26/2022 3:13:16 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Draft on keeping lifestock

External Email

Please delay the proposal until further clarification of concerns. I'm a concerned livestock owner.

Kay MacCready

From: Glasoe, Stuart D (SBOH) Sent: 6/1/2022 12:18:43 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Keeping of Animals Language

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Dan Wood <dan@wastatedairy.com> Sent: Wednesday, June 1, 2022 11:07 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Cc: Dan Wood <dan@wastatedairy.com>; Jack Field <jack@wafeeders.org>; Jay <jay@wastatedairy.com> Subject: Keeping of Animals Language

External Email

Thank you for the time today.

In general, we do not believe new rules are needed with regard to commercial livestock because they are already regulated by the Dairy Nutrient Management Act, CAFO permits, air emission programs, etc.

However, if the Board of Health is going to adopt regulations, it is important to recognize what a "more stringent standard" means, as proposed in Section 3 of the proposed rules on Keeping of Animals. Absent clarity, there will likely be lawsuits and confusion as to implementation at the local and state level.

I would suggest adding a sentence to Section 3 so that it reads as follows:

3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Examples of a "more stringent standard" include, but are not limited to, the state Dairy Nutrient Management Act, state or federal CAFO permits issued by Department of Ecology, and fugitive dust or air emission plans approved by Department of Ecology or a local government agency.

This should clarify authorities and avoid confusion and lawsuits.

Again, we do not believe new rules are needed. But, if rules ARE adopted, we want them to be clear and recognize existing programs.

Please include this communication in the documents provided to the Board of Health.

Thank you,

Dan Wood Executive Director Washington State Dairy Federation 360-482-3485 (office) 360-870-6018 (mobile) Dan@WaStateDairy.com <mailto:Dan@WaStateDairy.com>

Call me any time – early, late, weekends, evenings. Really, it's OK.

From: Tim Price Sent: 5/28/2022 7:34:22 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waist regulation

External Email

To whom it may concern, I oppose this rule the BOH is looking to implement. This is one more infringement on our freedoms. It is written for city dwellers. It is totally unrealistic to enforce. How we've survived 200 years as a nation is beyond me. When you have to worry about my cattle's shit, you've got too much time on your hands. Or, you have a specific agenda against some one you personally live next to. I suggest you move some place else.

Thank you,

Tim Price

Get Outlook for iOS <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2Fo0ukef&data=05%7C">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2Fo0ukef&data=05%7C</a>

From: outlook\_B842272502ABB902@outlook.com Sent: 5/12/2022 11:43:47 AM To: DOH WSBOH Cc: Subject: Communicating With Board Members

#### External Email

To the Washington State Board of Health, I am writing to you to ask that you do not make the COVID vaccine a mandate in order for children to attend public school and here is why: The vaccine has only been approved for emergency use only at this point. There are no long-term studies on the side effects of the vaccine and we don't know what kind of harm it could cause our children in the future. We know that there is a risk for teens and young adults to get myocarditis and pericarditis from the vaccine. Kids are not dying from COVID. The vaccine does not stop the spread of COVID nor does it prevent someone from getting COVID. This is not a vaccine like the Measles, Mumps, Polio, Chicken Pox and it shouldn't be required just like the flu shot is not required. This should be a parent decision on whether or not a child should take have the vaccine. There has already been about 40K children removed from public schools within the last year, if you make the vaccine a requirement you are going to see thousands more. Thank you for taking the time to hear my concerns and the concerns of many other Washington parents.

From: Bahr, Gary (AGR) Sent: 5/2/2022 3:32:20 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: WSDA comments for Proposed Rule, WAC 246-203-130, Keeping of Animals

*attachments*\*EEE17EE1839F4C22\_WSDA Comment Letter for Board of\_PRDTOOL\_NAMETOOLONG.pdf* 

Hello,

I respectfully submit the attached comment letter from the Washington State Department of Agriculture related to Proposed Rule, for WAC 246-203-130, Keeping of Animals. Thank you for the opportunity to provide comment.

Thanks,

Gary

Gary Bahr

Science Liaison

Office of Director

Washington State Department of Agriculture

Olympia, Washington

c-360-349-0522

gbahr@agr.wa.gov <mailto:gbahr@agr.wa.gov>



# STATE OF WASHINGTON DEPARTMENT OF AGRICULTURE P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear Board of Health:

One behalf of Washington State Department of Agriculture, I am writing to provide our comments related to the Proposed Rule for WAC 246-203-130, Keeping of Animals. The proposed action would include a title change to Domestic Animal Waste, and propose new standards for the handling and disposal of animal excreta, or animal waste, for the purpose of preventing and controlling nuisance and health hazards. While we agree that these various issues are of potential concern, we would like to express concerns about a new layer of regulatory actions and responsibility related to authorities and duties of other agencies, while potentially not utilizing existing efforts and opportunities for success through educational and voluntary methods.

The Washington State Department of Agriculture (WSDA) is the agency with responsibility over Dairy Nutrient Management (Chapter 90.64 RCW) and rules. The Dairy Nutrient Management laws and rules require dairy animal feeding operations to have dairy nutrient management plans created and approved. The WSDA Dairy Nutrient Management Program (DNMP) staff and Conservation District partners conduct the work to ensure plans are properly implemented, while conducting inspections, education, and technical support. Other partners such as Washington State University researchers and extension staff assist with research, education, technical support, and specialized training. The DNMP staff also conduct specialized water quality monitoring in certain locations where there is increased precipitation and also where facilities are in close proximity to surface water that may lead to impacts to vulnerable aquatic systems and shellfish production locations. The DMNP efforts are an example of how concentrated animal agricultural systems are successfully regulated for the protection of water quality and human health. Part of the success is that the Washington State dairy industry is highly cooperative and supportive of efficient regulation. Every milk producing dairy farm is registered and also regulated for other aspects of operations such as milk production, milk quality and food safety.

When considering how to protect water quality and human health from other diverse animal manure sources around the state, these same kinds of regulatory approaches would be very difficult to apply to many thousands of small animal waste sources. Diverse and complex

nonpoint source pollution is most commonly handled through the implementation of the Washington State Nonpoint Source Plan and associated pollution abatement structures, programs and systems of voluntary approaches. Our agency believes that working with the thousands and thousands of landowners on animal waste management would be more efficient and effective if the efforts were voluntary and supported by state and local coordination, funding of preventative programs, and education and technical assistance. The Washington State agency system of working with nonpoint source and smaller animal systems are structured around voluntary approaches to protect water quality. The attempt for Board of Health to regulate landowners that own and manage small numbers of animals would be contrary to the existing systems and would be confusing and very onerous for the Board of Health and the associated agency partners. Landowners often look to the Washington State Conservation Commission (WSCC), Conservation Districts (CDs), USDA Natural Resources Conservation Service (NRCS), Washington State University (WSU), Ecology, and WSDA for assistance, cost share programs, and technical assistance. A sudden regulatory effort would be very difficult to implement and would all of sudden affect the opportunity for the thousands of property owners to work with the voluntary processes and programs. There are currently many examples of CDs and other partners successfully working with landowners on manure management. We encourage the Board of Health and the Department of Health (DOH) to work within the existing Washington State Nonpoint Source Plan and strategies for achieving federal and state goals for managing animal waste and protecting water quality and human health.

The tasks of managing general small farm manure sources for the protection of water quality and human health can be best taken care of through voluntary and educational processes. We suggest that the Board of Health and DOH review the successful efforts in the state and look for opportunities to collaborate with other state and local agencies to focus on effective and efficient processes in a cooperative process. A combination of education, outreach, and technical assistance efforts would provide for an effective process, combined with existing DOH Office of Drinking Source Water Assessment planning, capture zone and time of travel analysis, and contaminant inventories for all Group A and B public drinking water systems. Instead of attempting to regulate many thousands of landowners with small animal systems, it would be more prudent to pursue a coordinated effort for voluntary efforts while providing education, technical assistance and local support. Our agency has extensive experience with animal agriculture regulation and management. We know there are many manure management issues to tackle and we would like to highlight some of the existing state and local voluntary processes and successes that exist in our state and other locations in the country. We look to highlight how the main state and local groups are working on this, and provide some suggestions for what is working and potentially how Washington State DOH and ODW can join the efforts that would be complimentary. Our agency suggests that we collectively strive to provide tools for land owners and farmers to recognize their own resource concerns and become engaged in their on farm solutions whether they produce their own food, supply food to local markets, or own hobby farm, working, or recreational animals.

We provide this list and summarization of the overall state processes combined with a few examples of state and local groups are working on the manure management topic. Some of these

efforts could be a future focus of partnerships and efforts that could be complimentary and assist in providing solutions.

- There is the broader Ecology Clean Water Act Nonpoint Source Plan approach in Washington State, where the Washington State approach to abating nonpoint sources of pollution are outline. The state's nonpoint source plan provides descriptions of roles and responsibilities, and regulatory and voluntary approaches. The WSDA DNMP effort is described in the plan and other voluntary approaches for smaller potential pollution sources are described outlining management through voluntary, educational and technical approaches.
  - The overall Washington State NPS Plan <u>https://apps.ecology.wa.gov/publications/documents/1510015.pdf</u>
- The nonpoint source agricultural pollutant sources come under the purview and jurisdiction of a number of state and local agencies under the state Clean Water Act Washington State Nonpoint Source Plan and associated programs.
- Ecology is leading the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup and producing Best Management Practice (BMP) guides and manuals including materials geared toward small farms, heaving use areas, grazing, nutrient management, irrigation water management, and manure management. WSDA, WSCC, WSU, EPA, USDA NRCS, Conservation Districts, and other public and private sector groups are teaming together to support Ecology in this Voluntary Clean Water Guidance for Ag Effectiveness Workgroup. We encourage the Board of Health and DOH, or a designated group such as the Office of Drinking Water (ODW), to reach out to Ecology staff to join the group and contribute the ongoing efforts to produce guides for agricultural nonpoint groups and provide for prevention approaches. The collective group is active with producing science-based products and then working to find implementation and funding opportunities to engage local landowners to prevent pollution. All the combined groups are engaged and working toward effective and efficient government processes to collectively tackle these issues. We encourage DOH and the ODW to join and support these approaches.
- There is an ongoing approach with Ecology and the nonpoint source team for developing a new Agricultural BMP guidance. Ecology has been leading meetings for several years of the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup. WSDA and numerous others agencies and groups are a part of this workgroup supporting Ecology in developing the agricultural BMPs.
- This rule making seems contrary to the current approaches developed through the Ecology meetings of the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup <a href="https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv">https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv</a>, to implement the Washington State NPS Plan.
- There are many resources and examples of work being done in Washington State and around the nation and we encourage the support those efforts for voluntary solutions prior to moving to some regulation that could be wasteful. How would an agency actually regulated many thousands of small farms?

- We encourage an approach where successful current and cooperative efforts are inventoried and assessed, and then additional funding is sought for improving voluntary systems.
- The WSDA Natural Resources Assessment Section (NRAS) and DOH ODW team is already working on pilot efforts for ground water protection in source water areas where agriculture is the primary land use.
- The DOH ODW is working to fund new and updated Source Water delineation modeling in the Yakima Ground Water Management Area (GWMA) to assist in focusing on the GWMA implementation in delineated capture zones. The Yakima GWMA Plan is located here: <u>https://www.yakimacounty.us/541/Groundwater-Management</u>.
- Completing capture zone, time of travel, and contaminant source inventory work in the Yakima GWMA and statewide would be an important step for aquifer and drinking water protection. Source water assessments can be combined with other GIS based mapping tools and modeling to assist in focusing precious state and local resources for making protection improvements in source water areas.
- Small farm and landowner management of nonpoint source pollution should be voluntary and prevention efforts is supported by state and local efforts and supported from other partners such as the USDA NRCS.
- Prevention of contamination of surface water, ground water, and public and private drinking water systems is best accomplished with voluntary education and training programs.
- There are many national, regional, state and local organizations that have worked on the topic of animal waste and manure management with small farms and rural landowners.
- There are many resources as well as funding sources available to implement programs that can be targeted to the appropriate audience and stakeholders.
- In Washington there are many groups that have been working on these strategies and education and prevention programs including the WSCC, CDs, WSU, NRCS, WSDA and others.
- The management of small farm and rural potential contaminants such as nutrients, sediment, pathogens, and other nonpoint source pollutants is best handling through non regulatory and educational and prevention programs.
- While DOH has authority to create and focus rules on certain potential contaminants to protect human health and drinking water systems; we recommend that the agency consider assessing the potential power and success of state, federal and local government partnerships; along with agriculture associations and groups to tackle this issue in a more focus and preventative manner.
- Creating new rules that would have a broad and comprehensive approach to the whole state would be difficult to implement and enforce when there are many thousands of potential private property owners around the state that would become newly regulated. There would be many impacts to DOH staff and associated state and local governmental partners with a difficult and potentially contentious rulemaking such as this. This type of rule and the potential implementation would actually be counterproductive to the already active and challenging task of implementing educational and voluntary measures with landowners.
- Our view is that the current approaches of education, technical assistance, and voluntary efforts is currently building and gaining momentum with the Ecology Voluntary Clean

Water Guidance for Ag Effectiveness Workgroup Team and various agency efforts. Some key partners working to create partnerships and successful programs are the WSCC and CD efforts, NRCS cost share and farm planning efforts, and the WSCC Voluntary Stewardship Program (VSP) <u>https://www.scc.wa.gov/vsp</u>. There are a number of key ground water protection program efforts around the state including the: Yakima GWMA, Grant County SDWA project with WSDA and DOH, and the Ground Water Protection Program efforts in Whatcom Country with the CD, Ecology and WSDA. In addition, the unique interagency and international effort with the Nooksack Fraser Transboundary Nitrogen (NTF-N) project is a very important cooperative effort supporting sound science and solutions for nitrogen issues in the Nooksack watershed. These are just a few examples of ongoing successful efforts that are gaining momentum.

- There are many ongoing programs, efforts, and technical tools available for manure and small farm animal waste management such as:
  - o https://lpelc.org/manure-management-on-small-farms/
  - https://lpelc.org/manure-management-on-small-farms/#.VOtCiEJEjDM
  - <u>https://www.rd.usda.gov/programs-services/water-environmental-programs/solid-waste-management-grants/wa</u>
  - https://www.usda.gov/topics/farming/resources-small-and-mid-sized-farmers
  - <u>https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/nra/rca/?cid=</u> <u>nrcs143\_014211</u>
  - https://www.nrcs.usda.gov/wps/portal/nrcs/main/?ss=16&navtype=SubNavigation &cid=null&navid=15018011000000&pnavid=15018000000000&position=Sub Navigation&ttype=main&pname=Manure%20&%20Nutrient%20Management% 20%257C%20NRCS
  - <u>https://connect.extension.org/event/equipment-and-facilities-for-managing-</u> <u>manure-on-small-farms</u>
  - https://bentonswcd.org/mud-and-manure/
  - o <u>http://whatcom.wsu.edu/ag/nutrient/guidel\_1.pdf</u>
  - <u>https://puyallup.wsu.edu/soils/manure/</u>
  - <u>https://extension.oregonstate.edu/collection/mud-manure-management-resources-</u> <u>small-farms</u>
  - <u>https://nerc.org/documents/manure\_management/guide\_to\_providing\_manure\_management\_ed.pdf</u>
  - <u>https://www.extension.iastate.edu/smallfarms/manure-management-acreages-and-small-farms</u>
  - <u>https://www.scc.wa.gov/vsp</u>
  - Michigan Agriculture Environmental Assurance Program, <u>https://maeap.org/</u>
  - https://www.nrcs.usda.gov/wps/portal/nrcs/detail/vt/technical/dma/?cid=nrcs142p
     <u>2\_010561</u>
  - o <u>https://aces.nmsu.edu/farmasyst/</u>
  - o <u>https://bookstore.ksre.ksu.edu/pubs/homeasst.pdf</u>
  - <u>https://extension.psu.edu/programs/nutrient-management/related-programs/pennsylvania-farm-a-syst</u>
  - <u>https://www.landcan.org/</u>
  - $\circ \quad \underline{https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water}$
  - $\circ \quad \underline{https://www.epa.gov/sourcewaterprotection/source-water-assessments}$

- <u>https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-</u> <u>committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv</u>
- We recommend that the Board of Health place more effort, resources, funding, and partnership effort into further developing the SDWA and DOH ODW programs <a href="https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water">https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water</a> for Group A and B source water modeling and system delineations and capture zone and time of travel analysis updates to properly assess the source areas for each public systems.
- This process in Washington State is very incomplete and the protection of ground water, source water, and public drinking water systems would be great enhanced if DOH, Ecology, WSDA, WSCC, CDs, and NRCS actually knew what spatial land areas up gradient of drinking water systems to focus on for our collective and current FTE staff time, resources, and funding.
- Our WSDA NRAS team is currently fulling engaged with DOH ODW staff in assessing all the Group A and B public drinking water data for nitrate, pesticides, and any other potential contaminant of concern.
- Our team has been very successful in proactively reviewing all the data, prioritizing what areas could be assessed and worked on in a systematic process. The goal has been to conduct a few focused projects such as the Yakima GWMA Implementation and Grant County ground water project to conduct update capture zone analysis and provide for programs to educate and provide technical assistance for nonpoint pollution issues that are voluntary in nature.
- These efforts should be pursued prior to some broad scope regulatory approach that would pull all the state and local agencies into something that would be misguided and result in wasting resources, funding, and antagonizing local land owners and small farm owners. It is our view, through first hand experiences, that small farm owners will make improvements once they're engaged with their local technical service provide through VSP and other programs which are lead with the CD, WSU Extension, WSDA and local watershed groups.

We appreciate the opportunity to comment on this draft rule making. We recommend that the state and local partners work to combine efforts and develop strategies that will incorporate effective and efficient use of staff, resources, and technical expertise. Our collective efforts should be strategically focused to work with agriculture and local landowners for farm system management, resiliency, and human health and environmental protection. We respectfully request that this proposed rule not be pursued. We look forward to working with the Board of Health to provide any additional input and helpful comments.

Thank you for considering our input, and we look forward to hearing back from you.

Respectfully,

Dary Bahr

Gary Bahr

Science Liaison Office of the Director Washington State Department of Agriculture Olympia, Washington Contact information: 360-349-0522, Gary.Bahr@agr.wa.gov

PC: Kelly McLain, Policy Advisor, WSDA Evan Sheffels, Senior Policy Advisor, WSDA Robin Schoen-Nessa, WSDA Perry Beale, WSDA Vince McGowan, Ecology Sage Park, Ecology Holly Myers, DOH ODW From: a777dude@aol.com Sent: 4/27/2022 10:28:22 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals

External Email

Quit playing games!

Delay action on this proposed rule and create a work group with key stakeholders

From: Lori Gese Sent: 4/27/2022 6:45:05 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Please postpone

External Email

Good morning, the new legislation being proposed about livestock waste is very concerning and confusing.

Please postpone the draft proposal from June's hearing. It seems that it would be most helpful to allow a work group/task force of stakeholders to convene and sort out the concerns. I don't think you realize the huge negative impact that the current proposal will have on so many small private homes who have livestock. Thank you for your consideration.

Respectfully, Lori Gese

Sent from my iPhone

From: richardmforde@aol.com Sent: 4/14/2022 12:45:25 PM To: DOH WSBOH Cc: Subject: Safe and Effective

External Email

To the Board:

The recent Pfizer data dump proves that the "safe and effective" mantra is a lie. As you may know, or may have ignored, there was an attempt to hide the Pfizer trial data for 75 years, but a court order recently released it, and the reports illustrate the deception and disconnect with real world data.

It has been known all along that the shots were not safe and effective. It does not help public trust to continue the lie.

Regards,

Deanna Burlingame Eatonville From: Susan Sterling-Williams Sent: 4/28/2022 7:39:32 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

#### External Email

Please delay the proposal ruling in June and provide the opportunity to reassess the waste removal regulation in the state.

Urban settings should be different than rural settings.

Excessive waste could pose a health problem to urban neighbors. That is what should be regulated....excessive waste not being properly composted and regulated & moved for use elsewhere on private properties.

Susan Sterling-Williams...Snohomish County (Machias Foothills)

From: Richartz, Saundra Sent: 4/29/2022 3:50:08 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: Keeping of Animals rule comment



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External Email

Please accept the attached as a comment from members of the Senate Republican Caucus.

Saundra D. Richartz

Staff Counsel

Washington State Senate Republican Caucus

Phone: (360) 786-7943, Fax: (360) 786-7815, Cell: (509)690-7648

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From: Judith Hoyle Sent: 4/26/2022 10:44:25 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comments on SBOH Keeping of Animals rules

External Email

Having read the proposed document, I, too, have many concerns about it.

I join with other livestock and "pet" owners in the request that you postpone the draft proposal from the June meeting so that more evaluation can be done, more clarity provided, and that a work group/task force of stakeholders be conveyed to sort out the many, many concerns this document raises.

There are concerns regarding mixing management of livestock with non-livestock rules, unclear and overreaching rules regarding stockpiling and composting, extreme concern about complaint abuse from neighbors - especially urban or the dreaded "I recently moved to the country from the city and I can't stand the noise/smells/flies" type of neighbors who move into a new situation in the "country" and want it to be just as "clean" and "pristine" as a city might be. There is also no uniformity of enforcement, as it appears to be left completely to the local health officer.

So much is simply not thought through in this draft document.

Thank you for your consideration.

Judith Hoyle 1912 West Valley Rd. Chimacum, WA 98325 From: DonYeta Villavaso Madden Sent: 6/1/2022 6:06:58 PM To: DOH WSBOH Cc: Subject: My Public Comments

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External Email

Good evening,

I would like to sign up for public comments for the June 8 meeting and have them shared with the Executive Director. In reviewing the priority areas for WA State Department of Health Executive Report, I am concerned that there is more concern and attention on what to do with animals than people on the agenda and the 2022 report is silent on a few key priority areas. I understand animals may be a sanitary or environmental issue – however, we've not solved for access to mental health or substance use services. If we treated animals like vulnerable eresidents, the state would be outraged.

My experience with trying to navigate department of health to gain access for Medicaid dual coverage form my adult son who has Medicare has been and is unnecessarily challenging – when this is an option for people. Enough information or trained employees are aware on how to access this benefit for those persons with disability receiving Medicare. There is a decline in service provider for critical services for addiction and mental health services, which is forcing an increased cost to taxpayers by only stabilizing people that otherwise require longer-term services. Places like Tele-care are ineffective as an option since the goal is to churn people out after a few days. Mental health meds take longer to be properly evaluated.

Providers are not up-to-date on state laws related to involuntary commitment or Ricky's law and how to exercise them. Facilities are turning away people in crisis only to have them return three to four more time. We need to do better. This is a public health crisis

that should be provided the same urgency as COVID. The racial demographics of population consistently harmed by such practices continue to show overrepresentation of BIPOC individuals receiving less and less of an already strained system and fundamentally, this seems to be an area that should be a priority for this year and coming years until an adaptive strategy is identified beyond technical fixes.

I am also concerned about the fragmented government systems that could work better with shared taxpayer resources to provide more culturally responsive care and address gaps that lead to more public health issues – specifically mental health issues. What is Department of Health doing to stand in the gap and priorities the needs of the most vulnerable residents of WA?

Have patience with all things, but first with yourself." – St. Francis de Sales

DonYeta "Yee" Villavaso-Madden Principal Consultant & Founder

Lucy Yee Management Consulting

(253) 867 - 4YEE (4933) <tel:(253)%20867%20-%204YEE%20(4933)>

(206) 966- 7477 <tel:(206)%20966-%207477>

www.lucyyeemc.com <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.lucyyeemc.com%2F&data=05

Donyetavm@lucyyeemc.com <mailto:Donyetavm@lucyyeemc.com>

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From: James Thompson Sent: 4/29/2022 2:28:04 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: CR-102 Keeping of Animals Comment

External Email

Concerned,

I am a Washington Resident and Homeowner. I keep my horses and livestock on my acreage, south of Oak Harbor, WA. I learned of proposed rulemaking CR-102 through the Backcountry Horsemen of Washington (BCHW) of which I am a member. I know you have met with and been in communication with both BCHW and many other concerned organizations.

This rulemaking provides a somewhat vague definition and mixes non-livestock and livestock rules which can have unintended consequences. I agree with the concerns of BCHW such as mixing livestock oversight with non-livestock, overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement can lead to hurting communities and also people's livelihood.

I know the local community compost's livestock manure very responsibly within the guidelines of experts and the guidance of Washington State University and others. Most share the composted product with my neighbors for their garden as well as spreading it on pastures. Those adjacent to streams, rivers, ponds, lakes, etc. are very concerned about doing it right to not harm the environment and ecosystem. The rule does not clearly allow composting and spreading livestock manure. Livestock are herbivores. Their manure does not have the pathogens that are present in carnivores such as dogs and cats. If this rule does not clearly state that the composting and spreading of livestock manure is allowed, it will be up to local health officers to make this judgment which will likely be different from jurisdiction to jurisdiction. If I will be required to annually remove my horse's manure, the cost will be extremely cost prohibitive in equipment and other fees. In which the organization taking this compost will then just compost it and sell it in the same way I would have used it.

In addition rules regarding livestock are vague and could affect this vital resource in maintenance of our local trails and public areas. Just the BCHW use stock all year to aid all government agencies in keeping trail access open to all users around the state.

I, also, would ask that the BOH delay the Draft Policy proposal in June and that a work group/task force is formed to vet out these concerns.

Thank you for your consideration.

Regards, James Thompson From: Janet Young Sent: 4/29/2022 11:41:55 AM To: DOH WSBOH Cc: Subject: Board Decision on Covid-19 vaccines

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely, Janet M. Young Maple Valley, WA April 29, 2022 From: Parkvala Shaklee Sent: 6/2/2022 8:51:52 PM To: DOH WSBOH Cc: Subject: No Covid Shots for our Children

External Email

The title of the email says it all. Kids are not susceptible to covid and requiring covid vaccinations for our children is criminal when the data clearly shows the risks out weigh the benefits!

Also please support agenda item 13, the citizen petition for rule making. Anyone receiving a shot should be given information pertaining to EUA and clinical trial information!

Thank you!

Susie Latvala Have a fabulous day! From: Brian Schlottmann Sent: 5/2/2022 2:23:24 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comments on Domestic Animal Waste

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External Email

Thank you for the opportunity to review and provide comment on this rule revision.

In general, I think these are good changes and they support the protection of human and environmental health. In our county, the majority of complaints that we received on the topic of animal waste, is with regard to household pets and either the burial of dead animals or storage/disposal of pet waste. The language you're proposing here supports the changes we're pursing locally however we have slightly varying definitions.

I do see our County citing this code if its adopted prior to our local code adoption as well as in the future depending on the situation and need for state supported enforcement. There are specifics within your proposed code that we may likely incorporate language you've used – specifically on the type of storage noted in 3(C)(i and ii).

If interested, here is the language we're pursing in Clark County:

### 24.12. 245 Animal Waste Handling

1. Disposal of Dead Animals. Dead animals shall be handled and disposed of in a manner consistent with WAC 246-203-121

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapp.leg.wa.gov%2FWAC%2Fdefau 203-

121&data=05%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C10ef5535eda749e3508f0 . The owner of the animal or the owner of the property on which the animal is found must immediately cover and properly dispose of the carcass within 72 hours after the death or discovery. The carcass shall be disposed of by burial, landfilling, incineration, composting, rendering, or another method approved by health officer that is not otherwise prohibited by federal, state, or local law or regulation. disposed of as municipal solid waste.

i. Animals weighing more than 30 pounds may be disposed of as municipal solid waste at an approved solid waste handling facility with prior approval from the facility.

b. Animal Burial Sites. Burial of dead animals shall comply with the following:

i. Ensure the burial site is at least 100 feet away from any drinking water well, spring, stream, lake, surface water and/or water body;

ii. Cover the carcass by at least three feet of soil;

iii. Cover the carcass in a manner to prevent other animals from digging up the remains;

iv. Envelop the carcass in unslaked lime in cases of death from a communicable disease and comply with all applicable federal, state and local regulations;

v. Animals may not be buried in a manner likely to contaminate ground water. This includes but is not limited to areas designated as wetlands or hydric soils and in areas with equal to or less than 10 feet to surface water per Clark County GIS.

vi. If more than expected animal deaths occur, the owner operator shall report the incident to Public Health. In the event of more than expected animal deaths, approval or on-site burial will be determined by the health officer on a case-by-case basis.

2. Animal manure (feces) and bedding. Handling and disposal of animal manure and pet waste shall comply with the following requirements:

a. Agricultural waste handling and on-farm vegetative waste.

i. The duration of storage of the entire pile is limited to one year.

ii. Limited to the amount that will be applied to a site during a oneyear period.

1. Subsequent accumulation under the same conditions is allowed at the same location after the entire pile has been used.

iii. Shall not be allowed to accumulate in any place where it can negatively impact any source of drinking and/or surface water.

Ensure the pile is located at least 100 feet away from any drinking water well, spring, stream, lake, surface water and/or water body.
 Agricultural waste may not be stockpiled in areas designated as wetlands or hydric soils per Clark County GIS.

, , ,

b. Non-agricultural handling (i.e., household pets).

i. Shall be stored and disposed of in a manner which does not create a public health nuisance or pollute surface waters of the state;

ii. Shall be removed at a frequency sufficient to not create a public

nuisance or at a minimum of once per week;

iii. Should be bagged, containerized and disposed of through routine garbage service or at a local transfer station

iv. Pet waste shall not be disposed of in a domestic on-site sewage system or to a sewer treatment facility via the sanitary sewer system without Public Health approval.

Thanks again,

Brian

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.clark.wa.gov%2F&data=05%">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.clark.wa.gov%2F&data=05%</a>

Brian Schlottmann | he I him I his

Environmental Health Director

PUBLIC HEALTH

564-397-8258

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2Fpages%2F County-WA%2F1601944973399185&data=05%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C1

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FClarkCoWA&data="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FClarkCoWA&data="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FClarkCoWA&data="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FClarkCoWA&data="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FClarkCoWA&data="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FClarkCoWA&data="https://gcc02.safelinks.protection.com">https://gcc02.safelinks.protection.outlook.com</a>

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From: Arne Christensen Sent: 5/26/2022 12:40:51 PM To: DOH WSBOH Cc: Subject: Covid vaccine requirements

#### External Email

Hello:

The covid infections the governor and lieutenant governor now have, after each of them received 4 vaccine shots, is further evidence that the state should not be punishing people for waiting to decide whether they need to get one of the vaccines. The vaccine mandates should be repealed now. Also, the prospect of a covid vaccination requirement for the state's public school students should be explicitly rejected unless a sterilizing, fully effective vaccine is developed.

Arne Christensen

From: Judy Babb Sent: 4/27/2022 9:18:39 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: animal waste ruling

External Email

requesting to postpone the draft proposal from June's hearing and allow a work group/task force of stakeholders to convene and sort out the concerns.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Sent from Yahoo Mail on Android <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.onelink.me%2F107872968%3F">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.onelink.me%2F107872968%3F</a>

From: Debra Hawkins Sent: 4/27/2022 3:26:38 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Postpone until we can work together!

External Email

Hello,

I would like to ask that you postpone the draft proposal from June's hearing. Please allow us to work as a united front to sort out the concerns that are out there. We want to work together for the good of all!

Take care,

Debra Hawkins

Back Country Horseman member and horse owner

From: Jennifer Zehrung Sent: 6/1/2022 7:57:36 PM To: DOH WSBOH Cc: Subject: RE: No Means No

### External Email

My family and I are adamantly opposed to any Covid shot that is required or added to the requirements for school in Washington State. I have a family member who developed blood clots in their leg after the Covid shot. My family and I do not consent, and we will not be taking this shot. This injection does not stop transmission and is NOT safe. We will NOT comply.

The Zehrung Family

From: Nancy the Soul Dancer Sent: 5/5/2022 2:04:35 PM To: DOH WSBOH Cc: Subject: follow up public comment to VAC meeting today

External Email

Greetings to the WABOH and WADOH,

Thank you for allowing public viewing of your V.A.C. (Vaccine Advisory Council) meeting today.

I especially appreciated the public comment section....ALL ten minutes of it! WOW , do you really want to hear from the public by providing only 10 minutes?? DiD YOU NOTICE HOW MANY of your experts CHECKED OUT OF THE MEETING WHEN IT WAS TIME FOR PUBLIC COMMENT?? Does that tell you anything about how closed minded and one-sided this discussion is???

At least the WABOH previous meeting allowed 30 minutes where EVERY public comment was in OPPOSITION TO FORCING THE ADDITION OF THE COVID SHOT for THE VAC SCHEDULE for SCHOOL ENTRY!

It is sooo transparent what is really going on with the V.A.C, WSBOH WSDOH, etc.! There are many more strong and highly committed people in opposition to this agenda than you realized, more than any of the minions who are bowing down to this nefarious agenda! (AND more then you allow to speak during public comment.)

Censorship, DE platforming, discrediting experts who are bringing out the Truth of this, far outnumber the ones who are minions to the F@uci-Big Pharm and Gates Alliance for profit and totalitarian control. We the People will not comply. Right is on our side! Our inalienable Rights for LIFE\*, LIBERTY\* and the PURSUIT OF HAPPINESS\* are GOD GIVEN RIGHT that you cannot take away or edict away!

\*LIFE : This COVID "vaccine" DOES NOT promote life! In fact it does the opposite: it KILLS BABIES in uterus at an exponential rate higher than normal in the women who take this shot while pregnant. The doctors and midwives in Wa hospitals are being told by the admin. that they may not give medical exemptions to these pregnant women or they will lose their job and possibly their license! (Dr. Aisia Kachikis, UW oby-gyn dr., I wonder if you would like to be a co-investigator for a study funded by Pfizer and Maerk that would look into this data? !) Is there any addition science needed from this reported/underreported death and injury from this toxic experimental gene therapy product?

\*LIBERTY: Mandating and coercion to take this shot or else lose one's livelihood is in violation of both the U.S. Constitution and the WA state Constitution. No emergency

powers act (for now over 790 days!) can justify such tyranny on the people! Hundreds, thousands of people, have lost their jobs due to this fraudulent agenda.

\*PURSUIT OF HAPPINESS; This nefarious agenda supported by the minions to the corrupted politicians and federal agencies and officials has caused a mental health epidemic of huge proportion! Suicide is the #1 cause of death in teenagers. Fear, anxiety and depression reign as #1 issues for millions of adults.

Need I say more? Perhaps you have read this far? Perhaps not.

I will close by saying.....

Does it seem interesting to any of the distinguished members that ALL of the public comment is in OPPOSITION TO ADDING THE COVID 19 shot TO SCHOOL AND DAYCARE ENTRY. These comments are will articulated and based on proven research and uncensored , non-propagandized reports.

I am curious how can and why the many experts on this panel and this meeting still hold to the scenario and nefarious agenda that these COVID shots are safe and effective and purport that the benefit exceeds the risks. The real science and Truth shows that the RISKS far outweigh the benefits, if any!

The Light and Truth of God reigns and will be victorious in and through all of this!

I AM a minion to that!

From: Mitzi Schindele Sent: 4/28/2022 12:48:14 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: BCHW COMMENT ON KEEPING OF ANIMALS

0

attachments\B1FB1B8D3FEA4F51\_Animal Waste Letter to BOH.pdf

External Email

From: Eva Zsido Sent: 4/21/2022 1:40:09 PM To: DOH WSBOH Cc: Subject: Commit to no COVID vaccine mandates on children

External Email

Dear Washington State Board of Health,

I urge you to accept the TAGs recommendation and choose to NOT mandate covid vaccines on our children. Our state government should NOT be mandating Covid vaccines on our children. They are at extremely low risk for Covid and these medical decisions should be left in the hands of parents and their family doctors.

Sincerely,

The Citizens of Washington State

From: j Sent: 5/28/2022 7:38:51 PM To: j Cc: Subject: When WE ALL STAND TOGETHER.....GOD WINS! Please SHARE this with EVERYONE!

External Email

Dear Ones,

Dr. Sandra Rosa Michael is revealing to the world her scalar light energy healing machines.....this is historic, HUGE!! She is a divinely placed Master to help bring healing to the entire world. Please, please listen to this amazing, enlightened woman. This video can change your life!! "When WE ALL STAND TOGETHER....GOD WINS!" Love to all, Mary

THE REVOLUTION OF HEALING | Advancing Beyond MedBed Technology | SHARE THIS EVERYWHERE!!! - YouTube <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3F From: Isaac Schlittenhart Sent: 6/3/2022 7:48:13 AM To: DOH WSBOH Cc: Subject: Mandatory COVID vaccines for school children

### External Email

Hi there,

I wanted to let the board know that I do not support mandatory COVID vaccines for children to attend school. Recently Pfizer argued in court that they are exempt from a lawsuit regarding liability because they created a prototype. I for one do not want my 4 school aged children being forced to take a prototype to attend school. Thank you, Isaac

https://invesbrain.com/pfizer-moves-to-dismiss-lawsuit-from-covid-19-vaccine-trialciting-prototype-agreement/

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Finvesbrain.com%2Fpfizermoves-to-dismiss-lawsuit-from-covid-19-vaccine-trial-citing-prototypeagreement%2F&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C7e35062d6cd64e379ef908da45700c4a%7 From: ELAINE Kohler Sent: 4/27/2022 3:07:27 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed Animal Waste Rule

External Email

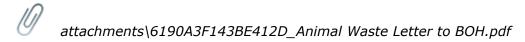
To whom it may concern,

As a BCHW member and 2 horse owner on a smaller piece of property, I am requesting a postponement of the draft proposal from the June's hearing. I suggest they allow a work group/task force of stakeholders to convene and sort out the concerns.

Thank you for your time and consideration.

Sincerely,

Elaine Kohler eckohler@msn.com From: Glasoe, Stuart D (SBOH) Sent: 5/9/2022 11:11:15 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Upside Down letter, Back Country Horsemen



Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Hisaw, Melanie (SBOH) <Melanie.Hisaw@sboh.wa.gov> Sent: Friday, May 6, 2022 4:11 PM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Cc: Herendeen, Lindsay (SBOH) <Lindsay.Herendeen@sboh.wa.gov> Subject: RE: Upside Down letter-done

Happy to help.

-Melanie

From: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov <mailto:Stuart.Glasoe@sboh.wa.gov> > Sent: Friday, May 6, 2022 2:45 PM To: Hisaw, Melanie (SBOH) <Melanie.Hisaw@sboh.wa.gov <mailto:Melanie.Hisaw@sboh.wa.gov> > Cc: Herendeen, Lindsay (SBOH) <Lindsay.Herendeen@sboh.wa.gov <mailto:Lindsay.Herendeen@sboh.wa.gov> > Subject: Upside Down letter

Melanie, the attached email includes a comment letter on the animal waste rule. It's upside down and I don't seem to have access to the tool in my version of Adobe reader to rotate it. Can you rotate and send it back so I can read and catalogue the comments? Thanks.

Health Policy Advisor

Washington State Board of Health

stuart.glasoe@sboh.wa.gov <mailto:stuart.glasoe@sboh.wa.gov>

360-236-4111

Website

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01 , Facebook

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<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0

From: Sara Cate Sent: 4/18/2022 8:07:09 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: please consider my comments below

External Email

Dear leadership,

I am a physician with a background in public health andI'm writing to state my concern over the changes that the Washington Department of Health (WaDOH) is proposing for WAC 246-203-130. This rule is currently titled, "Keeping of animals", but the proposed new title will be "Domestic animal waste". From my reading it sounds like the WaDOH will no longer regulate the pollution caused by farm animals. Instead, they will focus entirely on the waste produced by domestic animals such as cats and dogs. This makes no sense as there are approximately 100,000 dairy cows in the Lower Yakima Valley (LYV). People are suffering because of the pollution caused from the incredible volume of manure produced and the water and air pollution resulting from this incredible concentration of dairy cows. It makes no sense that the waste produced by family pets is more significant in terms of health impacts compared to that produced by factory farm animals!

WaDOH has a moral and regulatory duty to address the pollution caused by farm animals, and protect the health of the public. I strongly oppose these changes.

Sara Cate, MD, MPH

Yakima Washington

From: C Parks Sent: 4/21/2022 11:30:57 PM To: DOH WSBOH Cc: Subject: Communicating With Board Members

External Email

I understand that you will be deciding tomorrow whether or not to require Covid vaccinations for school-aged children. I would like to support the idea of requiring vaccinations.

As we know, kids can help spread the disease, even if their symptoms are mild. We also know that many people in an enclosed space (like a classroom or sports event) increases the chance of spreading the disease. We also know that unvaccinated people are most likely to get and to spread the disease and to die from it. Some of those who die are children.

Covid vaccinations shouldn't be any different than Measles or Polio vaccinations. Making Covid vaccinations a requirement will result in more kids getting vaccinated, even if people are grumpy about it.

This is about protecting the community, protecting vulnerable people who can die if they contract this disease.

My family had young people who died from polio years ago, before there was a vaccine. The grief of those deaths has carried on down the years. I want to have to repeat that with Covid deaths.

Covid is something we now have an answer to. There is no need for any more people to die or become disabled from it, because we have effective vaccines to prevent that. Let's use them to protect our kids.

Sincereley,

Carrie Parks

Vancouver, WA

Sent from Mail

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F%">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F%</a> for Windows

From: Kahler, Kelie (SBOH) Sent: 4/29/2022 11:36:45 AM To: DOH WSBOH Cc: Subject: FW: Board Decision on Covid-19 vaccines

From: Janet Young <antiejan@gmail.com> Sent: Friday, April 29, 2022 11:19 AM To: Kahler, Kelie (SBOH) <Kelie.Kahler@sboh.wa.gov> Subject: Board Decision on Covid-19 vaccines

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely,

Janet M. Young

Maple Valley, WA

April 29, 2022

From: Bill Osmunson Sent: 6/2/2022 7:03:56 AM To: DOH WSBOH,wsdoh@sdoh.wa.gov Subject: Cost Benefit Risk Analysis Fluoridation - Osmunson

*attachments*\9550859D0ECF4884\_WSBH 6 2 22 Fluoridation Cost Benefit Risk Osmunson.pdf

External Email

Keith Grellner, Board Chair Board Executive Director Umair A. Shah, Secretary of Health Tao Sheng Kwan-Gett, Chief Science Officer Representative Bill Ramos

I treat dental fluorosis, damage from ingesting too much fluoride, damage both functional and cosmetic. I doubt any of you treat the damage from too much fluoride. The EPA funded research, estimated cost of treating functional dental fluorosis damage (chipped and brokent teeth) is greater than the estimated cost of cosmetic damage from fluoridation. 70% of children have dental fluorosis, most is minor but all is damage. And a sign of presumed brain damage.

I would thank the Board for contributing to dental fluorosis with fluoridation to help support dentists such as myself . . if it weren't so sad to intentionally harming children so they desire treatment for the damage. The Board is contributing to the damage and ethically have the legal power to help protect the public.

When the estimated damage from excess fluoride is included in a cost benefit analysis, the cost of damage exceeds benefit. The Board is contributing to the wasted expense.

My desire for asking the Board for their cost-benefit-risk analysis was for the Board to crunch the numbers from research and come a conclusion on their own. My request for a copy of the WSBH's Cost-Benefit-Risk Analysis has been unanswered and I assume the Board does not have a cost-benefit-risk analysis and cannot provide one.

In an effort to assist the Board and protect the Public, I have spent considerable time to develop one for the Board, see attached.

Thank you for your careful review and for the sake of the public's health, please take action. I am willing to help if you ask.

My desire is to protect the public from harm caused by excess fluoride ingestion.

Sincerely,

Bill Osmunson DDS MPH 425.466.0100 1418 - 112th Ave NE Bellevue, WA. 98004 Washington State Board of Health Olympia, Washington June 2, 2022

From::Bill Osmunson DDS MPH Cosmetic and General Dentist Board Chair: American Environmental Health Studies Project 1418 112th Ave NE, Bellevue, WA 98004 425.466.0100 <u>bill@teachingsmiles.com</u>

# A COST BENEFIT-RISK ANALYSIS OF FLUORIDATION FOR THE WASHINGTON STATE BOARD OF HEALTH

"The continued increase in fluorosis rates in the U.S. indicates that additional measures need to be implemented to reduce its prevalence."<sup>1</sup> Fluoridation (addition of fluoride to public water), cessation is the most logical source to reduce excess fluoride exposure.

**Abstract/summary:** The Washington State Department of Health (WSDH) has advised that the Washington State Board of Health (WSBH) has Jurisdiction in Washington State over the addition of fluoride to public water systems. Therefore, it is the ethical responsibility for the Board to be current on the risks and benefit, if any, for all individuals and protect the public with an appropriate label.

As a practicing comprehensive, cosmetic, general dentist, I treat functional and cosmetic damage from dental fluorosis and dental caries contributed by the WSBH's recommendation of fluoride supplementation in water. The estimated cost to treat dental fluorosis damage exceeds the estimated cost of benefit, Thus, fluoridation makes no financial, ethical, or Public Health sense. Excess fluoride exposure financially benefit dentists. When the estimated harm from developmental neurotoxicity is included, public health agencies must no longer support fluoridation. We can fix teeth, not brains.

<sup>&</sup>lt;sup>1</sup> Wiener RC, Shen C, Findley P, Tan X, Sambamoorthi U. Dental Fluorosis over Time: A comparison of National Health and Nutrition Examination Survey data from 2001-2002 and 2011-2012. J Dent Hyg. 2018 Feb;92(1):23-29. PMID: 29500282; PMCID: PMC5929463.

Estimated costs Per Person Per Year (PPPY):				
Cost to fluoridate water		\$3-\$10		
Averted caries	\$6.08			
Dental fluorosis Treatment		\$3.24-\$153		
IQ loss		\$2,156 to \$2,552		

Cost estimates report benefit from fluoridation only if harm is NOT included.

Real world estimates of fluoridation's benefit to teeth including all costs and also including harm from dental fluorosis to teeth, do not report a cost savings. Presumed neurotoxic harm to the developing brain, potential ADHD endocrine, cancer, thyroid, bone, enzymatic harm, and lack of environmental justice add additional costs which must be included in a cost-benefit-risk analysis. The evidence is clear, estimated fluoridation harm far exceeds estimated benefit.

Toxicology's definition of two terms: "hazard" and "risk." Sunshine can be beneficial. A hazard is potential danger, such as sunshine. Risk is the likely hood of danger/harm, or how much of the hazard causes danger/harm, such as a sunburn. How much sunshine becomes a danger depends on several factors and host sensitivity. "The dose makes the poison." (Perecles

Fluoride is similar. Topical fluoride can be beneficial. Ingesting fluoride has risk of danger and actual harm and the FDA approved label includes the warning "Do Not Swallow." Ingesting fluoride has strong evidence of actual harm. We cannot change the hazard of a chemical but we can manage the risk of harm. (See also for a simple review of toxicology)

Bioethics recommends we evaluate the risks from fluoridation based on "potential" risk at total exposures. Sometimes proponents of fluoridation speak only about the source of fluoride which comes from fluoridated water. However, an estimated third to two thirds of fluoride comes from other sources. The dosage fluoridation provides needs to be at least doubled or tripled to achieve total fluoride exposure.

Dental fluorosis is a known risk from excess fluoride exposure, the highest level of confidence.

Developmental neurotoxicity, as evaluated with IQ, is presumed to be a risk and also greater confidence than potential risk. "Potential" risks include ADHD, cancer, thyroid, bone, endocrine, enzymatic system, mitochondria, GI and kidney harm and the evidence is strong enough for those to stop fluoridation. With 70% of the USA children having dental fluorosis, fluoridation should be stopped just for excess fluoride ingestion. Most developed countries do not fluoridate public water. Public Health's intention to help the poor and those with low intelligence are the very people least able to compensate for the harm and in most need of health education. Fluoridation is not supported by Bioethics, drug regulatory agencies, most developed countries, total exposure, quality of research, environmental justice, toxic substance laws, cost savings and better alternatives are available. Uncontrolled dosage, an uncertainty factor, individual sensitivity and the cumulative harm from all toxic chemical exposures demands action.

Individual dosage is not controlled when dispensed in the public water systems because not everyone drinks the same amount of water and different amounts at different ages. Infants on formula made with fluoridated water receive about 140 times more fluoride than mother's milk. Fluoride at 0.7 mg/l in water to make infant formula does not fit within WSBH guidelines within the first year of life.

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Current scientific evidence supports the USA Environmental Protection Agency (EPA) scientists statement in 2001:

"In summary, we hold that fluoridation is an unreasonable risk. That is, the toxicity of fluoride is so great and the purported benefits associated with it are so small - if there are any at all – that requiring every man, woman and child in America to ingest it borders on criminal behavior on the part of governments."<sup>2</sup>

<sup>&</sup>lt;sup>2</sup>Dr. J. William Hirzy, Senior Vice-President, Headquarters Union, US Environmental Protection Agency, March 26, 2001

Page 5

## I. BIOETHICS: Sound Bioethics Presupposes Sound Science.

I have previously requested the WSBH's cost-benefit-risk analysis and the Board has remained silent.

This report is the most up to date risk-benefit of fluoridation. The addition of fluoride to public water lacks individual consent, randomized controlled trials (quality research), lacks known mechanism of benefit, exceeds "potential" harm with probable and known harm, is without label, adulterated, misbranded and alternatives are available at less expense for those choosing to ingest fluoride.

Note: in contrast, topical fluoride has good scientific evidence of efficacy and the US Food and Drug Administration (FDA) correctly advises on the toothpaste label, "Do Not Swallow."

Since the 1940's bioethical principles have been reasonably constant.<sup>3</sup>

"The ethical validity of fluoridation policy does not stand up to scrutiny relative to the Nuremberg Code and other codes of medical ethics, including the Council of Europe's Biomedical Convention of 1999"<sup>4</sup> and artificial water fluoridation must be abandoned.<sup>5</sup>

Dental caries harms the individual, not others. Not to minimize discomfort and harm from dental caries, but dental treatment is sometimes considered elective as a "non-contagious infectious disease"<sup>6</sup> and not highly lethal.

In both clinical practice and research,<sup>7</sup> individual informed consent and autonomy of a competent individual is a self-evident bioethic principle. In contrast, public health interventions may not have individual informed consent and therefore need to be held to an even higher standard of confidence.

<sup>5</sup>Rajarajan, Giftson; Kumar, R. Pradeep; Priyadorshini, S. Pavithra, A review on the ethics of artificial water fluoridation. Drug Invention Today . Jan2019, Vol. 11 Issue 1, p102-107. 6p. 1 Chart

<sup>6</sup>Vieira, AR, Genetics and Caries- Prospects, Braz Oral Res., (São Paulo) 2012;26(Spec Iss 1):7-9

 $^{7}$  <u>45 CFR part 46</u> Subpart D §46.404. **"§46.116 General requirements for informed consent.** (2) A description of any reasonably foreseeable risks or discomforts to the subject;"

<sup>&</sup>lt;sup>3</sup>Grady C. Institutional Review Boards: Purpose and Challenges. *Chest.* 2015;148(5):1148-1155. doi:10.1378/ chest.15-0706

<sup>&</sup>lt;sup>4</sup>Douglas W. Cross & Robert J. Carton (2003) Fluoridation: A Violation of Medical Ethics and Human Rights, International Journal of Occupational and Environmental Health, 9:1, 24-29, DOI: <u>10.1179/107735203800328830</u>

For example, a clinician making an error may harm that patient. Research error may harm hundreds. WSBH error may harm hundreds of thousands.

The Nuffield Council is consistent with the CDC (Centers for Disease Control and Prevention) ethics, applicable to the WSBH and is more specific to fluoridation, advising:

"public health policy involving the water supply should be considered in relation to:

I. the balance of risks and benefits

*II. the potential for alternatives that rank lower on the intervention to achieve the same outcome.* 

III. the role of consent where there are *potential harms*"<sup>8</sup> (emphasis supplied)

Bioethics does not include minimizing evidence of risk and maximizing claims of benefit. The public rely on the WSBH's recommendations in their decision making process regarding fluoridation. To avoid very serious harm to hundreds of thousands, the WSBH must have high confidence in their review of empirical evidence as it develops on fluoride ingestion.

<sup>&</sup>lt;sup>8</sup>Ethics Consultation Report Ethical Considerations in Community Water Fluoridation, by the Public Health Agency of Canada's Public Health Ethics Consultative Group, December 18, 2018 p.2.<u>https://www.caphd.ca/sites/default/files/</u> Ethical%20Considerations%20for%20Community%20Water%20Fluoridation.pdf

## II. Jurisdiction: No Agency Authorized to Approve Fluoride Ingestion with Intent to Prevent Dental Caries has published a Benefit Risk Analysis or Approved Fluoridation

**FDA:** In the USA, Congress has given the Food and Drug Administration (FDA) jurisdiction over substances used with the intent to prevent disease such as fluoride.<sup>9</sup> The FDA testified to Congress that fluoride is a drug.<sup>10</sup> Fluoride toothpaste is approved and has a label with warning, "Do Not Swallow," referring to a pea size amount, 0.25 mg, the same amount as a glass of fluoridated water. Clearly the public is receiving mixed messages, "Do Not Swallow" the same amount of fluoride administered without choice in each glass of public water. We should not be surprised the public opinion is polarized. Sodium fluoride is listed as a drug in the Pharmacopeias.

The FDA notified 35 fluoride manufacturers of fluoride supplements, ". . . *there is no substantial evidence of drug effectiveness as prescribed, recommended or suggested in its labeling. . . marketing is in violation of the new drug provisions of the Federal Food, Drug, and Cosmetic Act; they have, therefore, requested that marketing of these products be discontinued.*"<sup>11</sup> The FDA more recently warned manufacturers of fluoride supplements their product is not approved.

Fluoridated bottled water did not go through the NDA process and has never been approved. The FDA was notified a health claim would be made by manufacturers and the Drug section of the FDA does not regulate bottled water.

WASHINGTON STATE: In Washington State, the Board of Pharmacy (WSBP) has (had) jurisdiction over determining whether fluoride is a drug and the WSBH has jurisdiction over dispensing the fluoride drug. When asked, the WSBP confirmed, fluoride is a drug.<sup>12</sup> In fact, the Washington State laws gave the WSBH little choice.

RCW 69.38.010 "Poison" defined. As used in this chapter "poison" means:

(1) Arsenic and its preparations;

(2) Cyanide and its preparations, including hydrocyanic acid;

Strychnine; and

other substance designated by the state board of pharmacy which, when introduced into the human body in quantities of sixty grains or less, causes violent sickness or death."

(3)

(4) Any

<sup>9</sup>21 USC 321 (g)(1)(B)

<sup>10</sup>Congressional Investigation 2001

<sup>11</sup>DRUG THERAPY 1975

 $<sup>^{12}\</sup>mbox{Letter}$  to the Author Bill Osmunson, June 4, 2009, from the Washington State Board of Health

Sixty grains is 3,887 mg.

Whitford (1996) "it may be concluded that if a child ingests a fluoride dose in excess of 15 mg F/kg, then death is likely to occur. A dose as low as 5 mg F/kg may be fatal for some children. Therefore, the probably toxic dose (PTD), defined as the threshold dose that could cause serious or life-threatening systemic signs and symptoms and that should trigger immediate emergency treatment and hospitalization, is 5 mg F/kg." <sup>13</sup>

For a 5 kg child a presumed lethal dose could be 25 mg. The WSBP had a simple calculation to make, is 25 mg less than 3,887 mg? Of course 25 is less than 3,887 and therefore fluoride is a poison. However, fluoride is exempt from poison laws when regulated under either pesticide or drug laws. The WSBP correctly determined fluoride is a drug when used with the intent to prevent disease in humans and not a pesticide. RCW does not exempt poisons when regulated as foods. In fact, the intentional dispensing of poisons into water is prohibited.

Fluoride is not exempt from poison laws when regulated as a food.

The jurisdiction of fluoride is then kicked over to the FDA which has not approved fluoride as a drug and to the WSBH which after 15 years of petitions has remained silent or denied petitions to protect the public.

RCW <u>57.08.012</u> Authorizes fluoridation by vote of commissioners or electors. In effect, the complex scientific toxicology, pharmacology, epidemiology, physiology, biochemistry, dentistry and medicine is turned over to 50% of a person's neighbors to medicate everyone with an unapproved drug.

Although the WSBH has remained silent, the Board certainly has the responsibility to protect the public at a minimum with appropriate label and recommendation.

The FDA process for evaluating a new drug should be considered by the WSBH and includes a benefit-dose-risk analysis with randomized controlled trials, label and oversight. The manufacturer before marketing presents the research on efficacy at a specific dosage to the FDA. If the substance is effective at the dosage, the risks are evaluated and a label is made with dose and warnings.<sup>14</sup> The WSBH has a role in fluoridation and must protect the public.

<sup>&</sup>lt;sup>13</sup> Whitford G. (1996). Fluoride Toxicology and Health Effects. In: Fejerskov O, Ekstrand J, Burt B, Eds. <u>Fluoride in Dentistry</u>, 2nd Edition. Munksgaard, Denmark. p 171."

<sup>&</sup>lt;sup>14</sup>FDA Development & Approval Process Drugs, Center for Drug Evaluation and Research, https://www.fda.gov/ drugs/development-approval-process-drugs

**EPA:** The Safe Drinking Water Act<sup>15</sup> includes, "*No national primary drinking water regulation may require the addition of any substance for preventive health care purposes unrelated to cont-amination of drinking water*." Congress has prohibited the EPA from adding anything to water which has intent to prevent disease.<sup>16</sup>

The Environmental Protection Agency (EPA) advised, "the FDA, remains responsible for regulating the addition of drugs to the water supply for health care purposes."<sup>17</sup>

The FDA avoids their responsibility by claiming the FDA does not regulate public water. In effect, no USA Federal Agency accepts jurisdiction over the addition of fluoride to public water, fluoridation, determining the efficacy, dosage and safety of ingested fluoride. The CDC does not evaluate or approve drugs. The WSBH is mistaken to rely on any Federally authorized agency for determining benefit, dosage, risk and label. Private industry promotes fluoridation for their benefit and has persuaded public health agencies to agree.

Proponents reference endorsements of fluoridation by over 100 organizations and claim, "*Not a single credibly recognized scientific group in the world OPPOSES community water fluoridation.*" <sup>18</sup> However, their definition of "world" appears to be parochial and limited primarily to English speaking Countries and any organization opposed to fluoridation is therefore not credible.

## Austria: "toxic fluorides" NOT added

Belgium: encourages self-determination – those who want fluoride should get it themselves. Finland: "...do not favor or recommend fluoridation of drinking water. There are better ways of providing the fluoride our teeth need." A recent study found ...<u>"no indication of an increasing</u> trend of \_\_\_\_\_\_\_

Germany: stopped fluoridation. A recent study found <u>no evidence of an increasing trend of caries</u> Denmark: "...toxic fluorides have never been added to the public water supplies in Denmark." Norway: "...drinking water should not be fluoridated" Sweden: "not allowed". No safety data available!

<sup>1542</sup> U.S. Code § 300g–1 - National drinking water regulations

<sup>&</sup>lt;sup>16</sup>FOIA Request HQ-FOI-01418-10

<sup>&</sup>lt;sup>17</sup>Steve Neugeboren, Ass. General Counsel, Water Law Office EPA 2/14/2013

<sup>&</sup>lt;sup>18</sup>American Fluoridation Society https://americanfluoridationsociety.org/debunking-anti-claims/myths/supportingorganizations/

Netherlands: Inevitably, whenever there is a court decision against fluoridation, the dental lobby pushes to have the judgment overturned on a technicality or they try to get the laws changed to legalize it. Their tactics didn't work in the vast majority of Europe.

Hungary: stopped for technical reasons in the '60s. However, despite technological advances, Hungary remains unfluoridated.

Japan: "...may cause health problems...." The 0.8 -1.5 mg regulated level is for calcium-fluoride, not the hazardous waste by product which is added with artificial fluoridation. <u>Israel:</u> suspended mandatory fluoridation until the issue is reexamined from all aspects.: June 21, 2006 "The labor, welfare and health Knesset committee"

China: "not allowed"

Regarding Fluoride Post-harvest fumigant, and applicable to fluoridation, an EPA administrative Judge concluded: "EPA agrees that aggregate exposure to fluoride . . . does not meet the safety standard in FFDCA section 408. The fluoride MCLG (4.0 mg/L) is not protective of the effects of fluoride on teeth and bones; The fluoride MCLG is not protective of other neurotoxic, endocrine, and renal effects of fluoride; EPA has not adequately protected children; EPA cannot determine the safety of sulfuryl fluoride and fluoride in the absence of a developmental neurotoxicity study; EPA has underestimated exposure to fluoride; and EPA has committed procedural errors in violation of the Administrative Procedures Act (APA) (<u>5 U.S.C. 551</u> *et seq.*)."<sup>19</sup>

Fluoride is not listed in food labels and no approved label for fluoridation or products used with fluoridated water are listed with warnings. Fluoridation is not an approved drug and is without label, misbranded,<sup>20</sup> and adulterated<sup>21</sup> failing to conform to compendium standards of purity.

The absence of fluoride in the diet does not cause dental caries. Fluoride is not an essential nutrient. Dental caries are not caused by inadequate fluoride ingestion.<sup>22</sup> No physiologic process in the body requires fluoride. Fluoride ingestion should not be compared to essential vitamins or minerals required for metabolic functions, the absence of which causes a disease.

Consolidated Objections at http://www.fluoridealert.org/wp-content/uploads/sf-nov.2006.pdf.

<sup>21</sup>Section 501(b) of the Food, Drug, and Cosmetic Act https://www.fda.gov/media/71979/download

<sup>&</sup>lt;sup>19</sup>https://www.federalregister.gov/articles/2011/01/19/2011-917/sulfuryl-fluoride-proposed-order-granting-objections-to-tolerances-and-denying-request-for-a-stay

<sup>&</sup>lt;sup>20</sup>FDA misbranded. <u>https://www.fda.gov/medical-devices/general-device-labeling-requirements/la-beling-requirements-misbranding</u>

<sup>&</sup>lt;sup>22</sup>Emsley J, Jones DJ, Miller JM, Overill RE, Waddilove RA. An unexpectedly strong hydrogen bond: ab initio calculations and spectroscopic studies of amide-fluoride systems. *Journal of the American Chemical Society.* 1981;103:24–28. [Google Scholar]

### III. COSTS TO FLUORIDATE WATER.

Ran<sup>23</sup> reported costs to fluoridate water from \$0.11 to \$4.92 in 2013 U.S dollars per person per year (PPPY).

Ko<sup>24</sup> corrected for more factors and reported costs to fluoridate water ranged from "about \$10 and \$3 PPPY." Because Ko's estimate considers real world costs it will be used here.

Costs to purchase the bottled water for those not wanting fluoride should also be added to the costs of fluoridation. Assuming even 1% of the bottled water consumed is to avoid fluoride, 150 million gallons or 568 million liters of bottled water at \$1/liter adds an additional \$568 million dollars to the cost of fluoridation. An additional \$5 per person consuming the fluoridated water costs to fluoridate public water should be added. To keep this complex subject simple, I have stuck with Ko's estimate.

<sup>&</sup>lt;sup>23</sup> Ran T, Chattopadhyay SK; Community Preventive Services Task Force. Economic Evaluation of Community Water Fluoridation: A Community Guide Systematic Review. *Am J Prev Med.* 2016;50(6):790-796. doi:10.1016/ j.amepre.2015.10.014

<sup>&</sup>lt;sup>24</sup> Ko L, Thiessen KM, A critique of recent economic evaluations of community water fluoridation, International Journal of Occupational and Environmental Health 2015 vol. 21 No. 2 91 DOI 10.1179/2049396714Y.0000000093

### IV. BENEFIT of FLUORIDATION.

Ko has the most inclusive and accurate estimation of dental caries mitigation and reports fluoridation savings of \$6.08 PPPY (\$3-\$10 PPPY), which is used here. Serious limitations to the alleged benefit of fluoride ingestion must be noted.

### 1) No Known Mechanism

Mechanism: Fluoride works by interacting topically after teeth erupt. The evidence for its effectiveness when applied to erupted teeth is well supported. Fluoride incorporation into developing teeth is very minor and does not contribute to caries prevention. Fluoride is not a nutrient nor essential for any bodily function. A very small amount of ingested fluoride makes its way to saliva to provide some topical fluoride after tooth eruption, but this amount is 50 to 100 fold less than what is obtained from fluoride naturally occurring in food and beverages. "The enamel demonstrated significant transport hindrance for the ions, and the effective pore radii of the transport pathways in the enamel were found to be approximately 0.7-0.9 nm."<sup>25</sup>

### 2) No Randomized Controlled Trials (RCT)

No RCT of fluoridation or fluoride supplements as pills or liquid have been published for infants, children or adults The only published RCT<sup>26</sup> gave 1 mg of fluoride daily to pregnant mothers and followed their child till age 5. No statistical reduction in dental caries was reported. The first RCT has started for fluoridated bottled water.<sup>27</sup>

Without a known mechanism coupled with lack of RCTs, the FDA is correct determining the evidence of benefit from fluoride ingestion is "incomplete."

<sup>27</sup>https://waterbeststudy.com

<sup>&</sup>lt;sup>25</sup>Wei Ren, Arif Baig, S Kevin Li, Passive and iontophoretic transport of fluorides across enamel in vitro., Journal of pharmaceutical sciences (2014-04-10) <u>Millipore Sigma</u>

<sup>&</sup>lt;sup>26</sup>Leverett DH, Adair SM, Vaughan BW, et al, - Caries Research, 1997 - <u>karger.com</u> https://www.karger.com/ Article/Abstract/262394#

## 3) Limited Confidence in Current Fluoridation's Association with Dental Caries:

A. Not one Study corrects for Unknown Confounding Factors such as the highly significant unknown causing caries decline from about 11.5 cavities to about 5.5 cavities before fluoridation.

B. Not one Prospective Randomized Controlled Trial

C. Socioeconomic status not controlled

D. Inadequate size

E. Difficulty in diagnosing decay

F. Delay in tooth eruption not controlled

G. Diet: Vitamin D, calcium, strontium, sugar, fresh and frozen year-round vegetables and fruit consumption not controlled.

H. Total exposure of Fluoride not determined

I. Oral hygiene not determined

J. Not evaluating Life-time benefit

K. Estimating or assuming subject actually drinks the water (about half of water ingested is now bottled water.)<sup>28</sup>

L. Dental treatment expenses not considered

M. Mother's F exposure, Breast fed (almost no fluoride) and infant formula with a high dose of fluoride

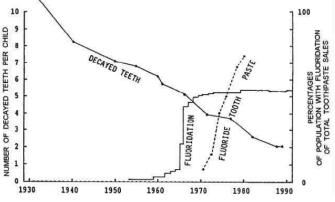
N. Fraud, gross errors, and bias not corrected.

O. Genetics not considered

For example, Colquhoun<sup>29</sup> 1997 ISFR Published 1998 published the graph below. No one knows

what the unknown(s) were reducing caries prior to fluoridation. Those powerful unknowns have never been controlled for in research. The unknowns are more powerful than the possible effect of fluoridation.

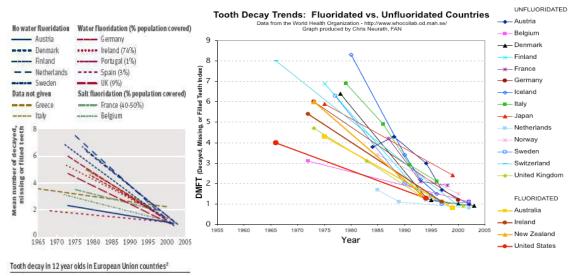
Highly unlikely the unknowns causing the caries decline could have gradually phased out while fluoridation was phased in.



<sup>&</sup>lt;sup>28</sup>International Bottled Water Association. https://bottledwater.org/bottled-water-consumption-shift/

<sup>&</sup>lt;sup>29</sup>Colquhoun 1997 ISFR Published 1998 <u>http://www.fluoride-journal.com/98-31-2/312103-f.htm</u>

Cheng<sup>30</sup> (left graph below) and Neurath<sup>31</sup> using WHO data demonstrate in developed countries, dental caries have declined to similar low levels regardless of fluoridation or fluoridated salt.



#### 4) No Known Effective Dosage

Without RCT published studies or FDA approval, the dosage mg/Kg/day to mitigate dental caries has never been determined. Concentration of fluoride in water is not dosage. Instead of a dosage, an Adequate Intake is used by the National Institute of Health.<sup>32</sup>

Historical research suggested fluoridation was "remarkably effective," however, current research is less confident. A major review in 2000 from the Centre for Reviews and Dissemination at the University of York (York Review) concluded that the best available evidence suggested that fluoridation reduced the prevalence of caries, but found that the reduction was difficult to quantify from the evidence available. The authors also noted, "it is surprising to find that little high quality research has been undertaken."<sup>33</sup>

<sup>32</sup> National Institute of Health. AI for Fluoride https://ods.od.nih.gov/factsheets/Fluoride-HealthProfessional/ #:~:text=In%201986%2C%20guidelines%20from%20the%20U.S.

%20Environmental%20Protection,to%20prevent%20dental%20fluorosis%20%5B%203%2C%2011%20%5D. Accessed May 17, 2022

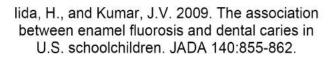
<sup>33</sup>McDonagh M, Whiting P, Bradley M et al. (2000) A Systematic Review of Public Water Fluoridation (York: NHS Centre for Reviews and Dissemination).

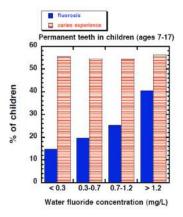
<sup>&</sup>lt;sup>30</sup>Cheng, K. K., Chalmers, I., & Sheldon, T. A. (2007). Adding fluoride to water supplies. *BMJ (Clinical research ed.)*, *335*(7622), 699–702. https://doi.org/10.1136/bmj.39318.562951.BE

<sup>&</sup>lt;sup>31</sup>Neurath C, TOOTH DECAY TRENDS FOR 12 YEAR OLDS IN NONFLUORIDATED AND FLUORIDATED COUN-TRIES, Research Note Fluoride 38(4)324-325 November 2005.

"The results show that the reviewed original studies on economic evaluation of caries prevention do not provide support for the economic value of caries prevention."<sup>34</sup>

Iida et al data from 2009 demonstrates an increase in fluoride concentration increases dental fluorosis, blue lines, but caries experience is minor if any. (Graph of data by Thiessen)





Little has changed with fluoridation. According to Dye et al. (2015): "Untreated tooth decay was higher for Hispanic (36%) and non-Hispanic black (42%) adults compared with

non-Hispanic white (22%) and non-Hispanic Asian (17%) adults aged 20-64."

Cities fluoridated for over 50 years report a crisis of dental caries and Kentucky was awarded 50 years of 100% fluoridated by the American Dental Association at the same time Kentucky was number one percentage for those without any teeth.

## 5) Excess exposure. 70% of children are ingesting too much fluoride.

CDC "Dental fluorosis only occurs when younger children consume too much fluoride, . . . when teeth are developing under the gums."<sup>35</sup> Fluoride ingestion prior to 6 years of age causes dental fluorosis.

Water fluoride concentration is not an individual dose, nor a valid indication of total exposure. Fluoridation gives more to everyone regardless of how much they are ingesting from other sources. Although the average intake of water is estimated at 927 ml/day for adults, 90th per-

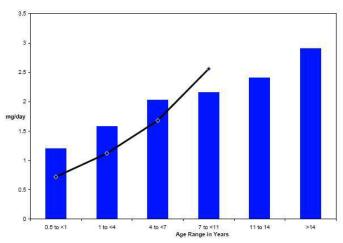
<sup>&</sup>lt;sup>34</sup>Källestål C et al. Economic evaluation of dental caries prevention: a systematic review. Acta Odontol Scand. 2003 Dec;61(6):341-6.

<sup>35</sup>http://www.cdc.gov/fluoridation/safety/dental\_fluorosis.htm#a2 Accessed 10 15

centile is just over 2 liters and some drink over 10 liters/day.<sup>36</sup> To protect from potential harm, safety factor of 10 should be used just to protect those drinking the most water such as pregnant women and infants on formula made with fluoridated water.

Rates of dental fluorosis have increased from 10-15% to 70%, moderate/severe from 7% to 28% in the latest NHANES reports.<sup>37</sup> Dong's 2015-16<sup>38</sup> reporting 70% although lower moderate and sever percentage. Espinoza raised concern with the quality of data<sup>39</sup> which has Federal oversight and funding. Photographs were taken and could confirm data quality if released. Data was when fluoridation was at about 1 ppm in water. An estimated 15% decrease in total exposure may reduce the rate of dental fluorosis, but not enough.

In other words, 73% of children are on fluoridated water and 70% of all the children show signs of excess fluoride intake. When fluoridation started, the public was assured only perhaps 15% of the public would get dental fluorosis.



There are numerous sources of fluoride, ". . . some children probably get more than the recommended amount of fluoride from toothpaste alone. . . "<sup>40</sup> p 42.

The EPA Dose Response Analysis 2010, Figure 8-1, illustrates the percentage of children exceeding the RfD (EPA safe dose) if the EPA increased

Figure 8-1. Total Daily Fluoride Intake Estimates Relative to the Proposed RfD Using 90th Percentile the RfD from 0.06 to 0.08 mg/kg/day. Drinking Water Intake Data for Consumers Only and the Mean Drinking Water Fluoride Concentration (0.87 mg/L)

<sup>36</sup>Fluoride in Drinking Water: A Scientific Review of EPA's Standards. 2016. Chapter 2, pp 23-88.

<sup>37</sup>Neurath C, Limeback H, Osmunson B, Connett M, Kanter V, Wells CR. Dental Fluorosis Trends in US Oral Health Surveys: 1986 to 2012. JDR Clin Trans Res. 2019 Oct;4(4):298-308. doi: 10.1177/2380084419830957. Epub 2019 Mar 6. PMID: 30931722.

<sup>38</sup>Dong H, Yang X, Zhang S, Wang X, Guo C, Zhang X, Ma J, Niu P, Chen T. Associations of low level of fluoride exposure with dental fluorosis among U.S. children and adolescents, NHANES 2015-2016. Ecotoxicol Environ Saf. 2021 Sep 15;221:112439. doi: 10.1016/j.ecoenv.2021.112439. Epub 2021 Jun 22. PMID: 34166938.

<sup>39</sup>LorenaEspinozaRachelKaufmann, Corresondence Letter, Ecotoxicology and Environmental Safety, <u>Volume 227</u>, 20 December 2021, 112950https://doi.org/10.1016/j.ecoenv.2021.112950 https://www.sciencedirect.com/science/article/pii/S0147651321010629?via%3Dihub

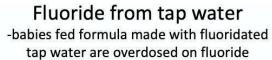
<sup>40</sup>National Research Council 2006 p. 42.

In other words, EPA is doing the opposite of the NRC 2006 recommendation which reported EPA standards are not protective. EPA is "declaring" fluoride exposure safer and is being less protective. Even with increasing RfD, too many children are still ingest too much fluoride. (Percentage above the black line, previous page.)

Note, in their Figure 8-1 infants are not included, 10% of children and infants ingesting the most fluoride are not included.

The National Institute of Health<sup>41</sup> recommends 0.01 mg/day of fluoride birth to 6 months, compared to mother's milk with mean 0.004 mg/l. Formula fed babies on fluoridated water ingest an estimated average of 140 times more fluoride than breast fed babies.

I was unable to locate WHO's recommendation for fluoride concentration of water used to make infant formula and appears to be 1.5 mg/l.



subject	volume fluid intake	fluoride concentration in liquid consumed	fluoride DOSAGE* (μg/ kg per day)
5 kg baby fed breast milk	up to 1 L	≈ 0.005 ppm	1
70 kg adult	1 L	0.7 ppm	10
70 kg adult	4 L	0.7 ppm	40
70 kg adult	2 L	2.0 ppm	57
70 kg adult	1 L	4.0 ppm	57
5 kg baby fed infant formula made with tap water	up to 1 L	0.7 ppm	140

\*A **dose** refers to a specified amount of medication taken at one time. By contrast, **dosage** is the prescribed administration of a specific amount, number, and frequency of doses over a specific period of time. AMA Manual of Style

Zohoori<sup>42</sup> "In conclusion, a relatively large proportion of fluoride intake is retained in the body in weaned infants."

<sup>&</sup>lt;sup>41</sup> National Institute of Health. AI for Fluoride https://ods.od.nih.gov/factsheets/Fluoride-HealthProfessional/ #:~:text=In%201986%2C%20guidelines%20from%20the%20U.S.

<sup>%20</sup>Environmental%20Protection,to%20prevent%20dental%20fluorosis%20%5B%203%2C%2011%20%5D. Accessed May 17, 2022

<sup>&</sup>lt;sup>42</sup> Zohoori, F., Omid, N., Sanderson, R., Valentine, R., & Maguire, A. (2019). Fluoride retention in infants living in fluoridated and non-fluoridated areas: Effects of weaning. *British Journal of Nutrition*, *121*(1), 74-81. doi:10.1017/S0007114518003008

#### 6) Lack of Label.

Drugs and processed foods have labels to tell consumers recommendations and warnings. Without label, consumers don't know how much fluoride is in their foods such as mechanically deboned meat, tea, grapes etc. The only label is on fluoride toothpaste with a warning, "Do Not Swallow."

#### 7) Systematic reviews of benefit

"Five systematic reviews between 2000 and 2015 that fluoridation reduces dental caries in children."<sup>43</sup> However, evidence of efficacy is based mostly on historical studies and lower quality.

The Cochrane systematic review is applicable to public health policy for the precise reasons it is criticized. Critics suggest the review was too restrictive.<sup>44</sup> Cochrane reviews primarily evaluate RCTs "for new drugs and clinical interventions for use with individuals, not public health initiatives targeted at populations."<sup>45</sup> Bioethics of a policy without individual consent should be more protective than one with individual consent and under their doctor's supervision. The FDA appears to be even more restrictive than the Cochrane review, reporting evidence at the same time period prior to the mid 1970's was "incomplete". Without individual consent and a world wide policy, WHO should require the same or greater confidence in the evidence.

The Cochrane review raised concerns for lack of studies to determine; current benefit, lack of benefit for lower socioeconomic status, lack of risk with fluoridation cessation, 97% of studies at high risk of bias, substantial between-study variation, and no studies met their criteria to determine effectiveness for adults.<sup>46</sup> Harm was not considered.

<sup>&</sup>lt;sup>43</sup>Lennon, M. The cochrane review of water fluoridation, Editorial, Community Dental Health (2015) **32**, 130–131

<sup>&</sup>lt;sup>44</sup>Rugg-Gunn, A., Spencer, A., Whelton, H. *et al.* Critique of the review of 'Water fluoridation for the prevention of dental caries' published by the Cochrane Collaboration in 2015. *Br Dent J* **220**, 335–340 (2016). https://doi.org/ 10.1038/sj.bdj.2016.257

<sup>&</sup>lt;sup>45</sup>Lennon, M. The cochrane review of water fluoridation, Editorial, Community Dental Health (2015) **32**, 130–131

<sup>&</sup>lt;sup>46</sup>Iheozor-Ejiofor Z, Worthington HV, Walsh T, O'Malley L, Clarkson JE, Macey R, Alam R, Tugwell P, Welch V, Glenny AM. Water fluoridation for the prevention of dental caries. Cochrane Database of Systematic Reviews 2015, Issue 6. Art. No.: CD010856. DOI: 10.1002/14651858.CD010856.pub2. Accessed 17 April 2022.

Current studies fail to report significant benefit. such as Maupome<sup>47</sup> McLaren<sup>48</sup> Slade<sup>49</sup> Meyer<sup>50</sup> Do<sup>51</sup> Chankanka<sup>52</sup>,<sup>53</sup> Choo-Wosoba<sup>54</sup>. The CDC also states, "Ingestion of fluoride is not likely to reduce tooth decay."<sup>55</sup> The apparent benefit<sup>56</sup> of fluoride is the precipitation of the less soluble mineral phase of fluorapatite in the tooth structure, a topical action.

<sup>50</sup>Meyer J, Margaritis V, Mendelsohn A. Consequences of community water fluoridation cessation for Medicaid-eligible children and adolescents in Juneau, Alaska. BMC Oral Health. 2018 Dec 13;18(1):215. doi: 10.1186/ s12903-018-0684-2. PMID: 30545358; PMCID: PMC6293551.

<sup>51</sup>Do L, Ha D, Peres MA, Skinner J, Byun R, Spencer AJ. Effectiveness of water fluoridation in the prevention of dental caries across adult age groups. Community Dent Oral Epidemiol. 2017 Jun;45(3):225-232. doi: 10.1111/ cdoe.12280. Epub 2017 Jan 16. PMID: 28092105.

<sup>52</sup>Chankanka O, Marshall TA, Levy SM, Cavanaugh JE, Warren JJ, Broffitt B, Kolker JL. Mixed dentition cavitated caries incidence and dietary intake frequencies. Pediatr Dent. 2011 May-Jun;33(3):233-40. PMID: 21703076; PM-CID: PMC3690298.

<sup>53</sup>Chankanka O, Levy SM, Marshall TA, Cavanaugh JE, Warren JJ, Broffitt B, Kolker JL. The associations between dietary intakes from 36 to 60 months of age and primary dentition non-cavitated caries and cavitated caries. J Public Health Dent. 2015 Fall;75(4):265-73. doi: 10.1111/j.1752-7325.2012.00376.x. Epub

<sup>54</sup>Choo-Wosoba H, Gaskins J, Levy S, Datta S. A Bayesian approach for analyzing zero-inflated clustered count data with dispersion. Stat Med. 2018 Feb 28;37(5):801-812. doi: 10.1002/sim.7541. Epub 2017 Nov 6. PMID: 29108124; PMCID: PMC5799048.

<sup>55</sup>Achievements in Public Health, 1900-1999: Fluoridation of Drinking Water to Prevent Dental Caries. MMWR, 48(41); 933-940, October 22, 1999

<sup>56</sup>Limeback H, A re-examination of the pre-eruptive and post-eruptive mechanism of the anti-caries effects of fluoride: is there any anti-caries benefit from swallowing fluoride? Community Dentistry and Oral Epidemiology, First Published 14 February 2007 <u>https://doi.org/10.1111/j.1600-0528.1999.tb01993.x</u> <u>Volume27, Issue1</u> February 1999 Pages 62-71

<sup>&</sup>lt;sup>47</sup>Maupomé G, Clark DC, Levy SM, Berkowitz J. Patterns of dental caries following the cessation of water fluoridation. Community Dent Oral Epidemiol. 2001 Feb;29(1):37-47. PMID: 11153562.

<sup>&</sup>lt;sup>48</sup>McLaren L, Singhal S. Does cessation of community water fluoridation lead to an increase in tooth decay? A systematic review of published studies. J Epidemiol Community Health. 2016 Sep;70(9):934-40. doi: 10.1136/ jech-2015-206502. Epub 2016 May 13. PMID: 27177581; PMCID: PMC5013153.

<sup>&</sup>lt;sup>49</sup>Slade GD, Grider WB, Maas WR, Sanders AE. Water Fluoridation and Dental Caries in U.S. Children and Adolescents. J Dent Res. 2018 Sep;97(10):1122-1128. doi: 10.1177/0022034518774331. Epub 2018 Jun 14. PMID: 29900806; PMCID: PMC6169031.

# V. **RISKS: COST OF DENTAL FLUOROSIS** (See also Endnote References) *"estimated costs for restoring function exceeds the cosmetic costs"*

WHO reports,"In acute poisoning, fluoride kills by blocking normal cellular metabolism. Fluoride inhibits enzymes, in particular metalloenzymes involved in essential processes, causing vital functions such as the initiation and transmission of nerve impulses, to cease. Interference with necessary bodily functions controlled by calcium may be even more important."<sup>57</sup> Assuming fluoride has a threshold for everyone which is safe is presumptive.

Researchers have indicated water fluoridation is a crude and rather ineffective policy to prevent dental caries without a detectable threshold for dental damage. (Dong and European Commission, 2011) A detectible threshold of fluoride exposure for dental damage is possible and critical for the policy of fluoridation. Although the odds of developing dental fluorosis increased with increased water fluoride concentration, the potential for harm exists at all water fluoride concentrations and unique for different individuals.

Gu<sup>58</sup> (2020" "The pathogenesis of dental fluorosis is not totally clear, which may be a complex pathological process involving both genetic and environmental factors. The prevalence of dental fluorosis has an upward trend around the world, thus certain public prevention and treatment strategies need to be taken."

Jarquín-Yñezá<sup>59</sup> (2018) "*Conclusions:* An association of rs 412777 polymorphism in the COL1A2 gene with dental fluorosis was found. Therefore, genetic variants represent a relevant risk factor to develop dental fluorosis, as it was proven in this study conducted in Mexican children."

<sup>&</sup>lt;sup>57</sup> Environmental Health Criteria 36, Fluorine and Fluorides, p. 52. 1984

<sup>&</sup>lt;sup>58</sup> Gu LS, Wei X, Ling JQ. [Etiology, diagnosis, prevention and treatment of dental fluorosis]. Zhonghua Kou Qiang Yi Xue Za Zhi. 2020 May 9;55(5):296-301. Chinese. doi: 10.3760/cma.j.cn112144-20200317-00156. PMID: 32392970

<sup>&</sup>lt;sup>59</sup> Jarquín-Yñezá L, Alegría-Torres JA, Castillo CG, de Jesús Mejía-Saavedra J. Dental fluorosis and a polymorphism in the COL1A2 gene in Mexican children. Arch Oral Biol. 2018 Dec;96:21-25. doi: 10.1016/j.archoralbio.2018.08.010. Epub 2018 Aug 23. PMID: 30172079.

Suzuki<sup>60</sup> (2015) We demonstrate that fluoride exposure generates reactive oxygen species (ROS) and the resulting oxidative damage is counteracted by SIRT1/autophagy induction through c-Jun N-terminal kinase (JNK) signaling in ameloblasts. In the mouse-ameloblast-derived cell line LS8, fluoride induced ROS, mitochondrial damage including cytochrome-c release, up-regulation of UCP2, attenuation of ATP synthesis, and H2AX phosphorylation (yH2AX), which is a marker of DNA damage."

Dental fluorosis is usually considered the singular causation, a biomarker, of excess fluoride ingestion prior to 6-8 years of age; however, other unknowns need to be explored<sup>61</sup> to explain the significant increase in dental fluorosis.

### DENTAL FLUOROSIS IS BOTH COSMETIC AND FUNCTIONAL

<u>Collins</u>. <sup>62</sup> (1987) "A mean cost for all consultants shows that the **estimated costs for restoring** *function exceeds the cosmetic costs* in all categories except the minimum later costs. This represents a new finding and raises an issue that has been overlooked or ignored by previous investigators and the profession. i.e.. that repair of the cosmetic discoloration was the only cost involved; or that repair of dysfunction was never considered to be a problem." (Emphasis supplied)

Collins study was funded by the EPA for the EPA and peer reviewed by the EPA to evaluate the cost of fluoride exposure from water at four concentrations. The six consultants do not appear to be blinded, they were chosen from locations with various fluoride concentrations. and do not appear to have been cosmetic dentists. Perhaps the consultants were functional dentists rather than cosmetic dentists and their focus was on functional restorations. Regardless, dental fluorosis is both cosmetic and functional damage.

<sup>&</sup>lt;sup>60</sup> Suzuki M, Bandoski C, Bartlett JD. Fluoride induces oxidative damage and SIRT1/autophagy through ROS-mediated JNK signaling. Free Radic Biol Med. 2015 Dec;89:369-78. doi: 10.1016/j.freeradbiomed.2015.08.015. Epub 2015 Sep 30. PMID: 26431905; PMCID: PMC4684823.

<sup>&</sup>lt;sup>61</sup> Akpata ES. Occurrence and management of dental fluorosis. Int Dent J. 2001 Oct;51(5):325-33. doi: 10.1002/j.1875-595x.2001.tb00845.x. PMID: 11697585.

<sup>&</sup>lt;sup>62</sup><u>Collins, E., V. Segreto, H. Martin, AND H. Dickson.</u> ANALYSIS OF COSTS FOR THE TREATMENT OF DENTAL FLUOROSIS. U.S. Environmental Protection Agency, Washington, D.C., EPA/600/5-87/001 (NTIS PB87170817), 1987.

"Damage is the cost, not the repair." Without patient consent, compensation for damage with quality treatment costs is reasonable. Harm from fluoridation is not self inflicted harm or patient negligence.

The picture of severe fluorosis to the right is of my patient growing up on fluoridated bottled "Nursery Water" (DS Waters of America Inc. <1 ppm) starting at age 4 months. Mom is confident he did not use fluoride toothpaste until



about age 4 years old and did not swallow toothpaste. Estimated exposure is less than 1 mg per day when young to about 1 mg at age 4. Dosage estimated at 0.13+ mg/kg/day when 4 months old to 0.05+ mg/kg/day at 4 years. An increase in fluoride exposure when fluoridated toothpaste started would be expected. This severe dental fluorosis damage is known harm from excess fluoride primarily from water below fluoridation concentrations recommended by WHO.

The Nuffield Council suggests the risks for a public health policy should be judged on "**potential harm**," more protective than "possible, presumed, or known harm."

WHO accepts the known harm calling it an "adverse effect," yet, minimizes the harm. "*However, fluoride can also have an adverse effect on tooth enamel and may give rise to mild dental fluorosis (prevalence: 12–33%) at drinking-water concentrations between 0.9 and 1.2 mg/l, depending on drinking- water intake and exposure to fluoride from other sources.*"

WHO falls into the trap of protecting fluoridation by attempting to isolate the exposure of fluoride from total fluoride exposure. Real world life is not lived in isolation and Public Health must NOT ignore total fluoride exposure from all sources and patient sensitivities.

Akpata<sup>63</sup> reports, *In some countries, exposure to apparently low fluoride concentrations in drinking water has resulted in severe dental fluorosis in some children.* 

<sup>&</sup>lt;sup>63</sup> Akpata ES. Occurrence and management of dental fluorosis. Int Dent J. 2001 Oct;51(5):325-33. doi: 10.1002/j.1875-595x.2001.tb00845.x. PMID: 11697585.

In contrast, the US Centers for Disease Control and Prevention (CDC)<sup>64</sup> and Community Preventive Task Force<sup>65</sup> report no harm from fluoridation except dental fluorosis and only cosmetic, usually only noticed by trained professionals, and other sources of fluoride are not significant.

## PERCENTAGE OF THE POPULATION HARMED WITH DENTAL FLUOROSIS

Cosmetic dentistry is subjective and dependent on the dentists opinion, presentation of cosmetic health, their skill, training, materials available, socioeconomics of their patient base and each individual patient's subjective opinion.

In 1993, Riordan<sup>66</sup> reported 17.5% of 7 year olds who do not have all their adult teeth were assessed by members of the public as a notable concern of dental fluorosis. Functional damage was not included. With dental fluorosis about twice as high now as1993, and currently NHANES twice reporting 70% of children with dental fluorosis, a conservative estimation of 17.5% of children have **notable concern and functional damage** is reasonable which would include a percentage of those with mild dental fluorosis and most with moderate and severe fluorosis.

Moderate and severe fluorosis appears to range from 3.6% (Beltran-Aguilar ages 12-15 years in 1999-2004) 6% (Ko) to 28% (NHANES 2012).

An estimated range of 4% to 17.5% of those fluoridated have cosmetic concern and/or functional damage contributed by fluoridation.

## DENTAL FLUOROSIS TREATMENT OPTIONS

Treatment options today are potentially different than in the 1980's Collins' study which reported a range between \$660 to \$12,000 (2019 dollars corrected by 2.2 for inflation). Collins made an assumption a needed treatment would last a lifetime. Because more functional damage was noted in Collins study than cosmetic damage, the possibility the consultants put a higher treatment

 <sup>&</sup>lt;sup>64</sup> <u>https://www.cdc.gov/fluoridation/faqs/community-water-fluoridation.html</u> accessed May 17,
 2022

<sup>&</sup>lt;sup>65</sup> Community Preventive Services Task Force; <u>https://www.thecommunityguide.org/sites/default/files/</u> <u>assets/Oral-Health-Caries-Community-Water-Fluoridation.pdf</u> 2015 Accessed May 17, 2022

<sup>&</sup>lt;sup>66</sup>Riordan PJ. Perceptions of Dental Fluorosis. *Journal of Dental Research*. 1993;72(9):1268-1274. doi:<u>10.1177/00220345930720090201</u>

priority on functional harm than cosmetic harm must be considered. Damage is measured here by the cost of quality treatment rather than dental insurance covered procedures.

While practicing in a low socioeconomic community, I almost never treated cosmetic issues. Moving to a high socioeconomic community I frequently treat cosmetic concerns. When people have money, cosmetics becomes a greater concern and dentists tend to diagnose what their patients can afford or is covered by their insurance. There is no wonder why Delta Dental funds fluoridation when they assume benefit and do not cover cosmetic damage.



Micro-abrasion,<sup>67</sup> grinding away the outer layer of enamel, can improve superficial defects of dental fluorosis. Treatment estimated \$500 to \$2,500 per patient life time and may need additional vital bleaching. Some patients consider micro-abrasion additional damage, but certainly less than a typical crown or veneer.

Bleaching is more acceptable to some but tends to whiten all areas and a contrast in shade is, for some, not fully restored. Bleaching needs to be retreated and an estimate is \$100 to \$600 every 2 years. We use an estimated \$100 PPPY (per person per year) for 60 years, \$6,000 life time

<sup>&</sup>lt;sup>67</sup> Azzahim L, Chala S, Abdallaoui F. La micro-abrasion amélaire associée à l'éclaircissement externe: intérêt dans la prise en charge de la fluorose [Role of enamel microabrasion associated with external bleaching in the management of patients with dental fluorosis]. Pan Afr Med J. 2019 Oct 4;34:72. French. doi: 10.11604/pamj.2019.34.72.20401. PMID: 31819788; PMCID: PM-C6884726.

treatment costs. Statista survey<sup>68</sup> reports 37 million in the USA had bleaching in 2020, about 14% of the age range of dental fluorosis.

Placing a value on the damage for patient perceived damage, assumed to be mostly in moderate to severe fluorosis found objectionable with high quality cosmetic and functional treatment is estimated at \$1,000 to \$2,500 per tooth, \$1,200 is used here. The diagnosis of dental fluorosis is based on the two worst teeth, although 1 to 28 teeth can be damaged. If costs are not the control-ling factor, a cosmetic patient will want several or all upper and lower teeth treated. An estimate of an average of 10 teeth at \$1,200 per tooth damage both functional and cosmetic is at the high end of Collins EPA study and in keeping with high quality cosmetic restorative treatment. For a lifetime cost, the work is estimated to be replaced an average of every 12 years, or \$1,000 PPPY, 60 year lifetime of \$60,000 damage. Damage is determined by cost of damage.

Assuming 4% to 17.5%% of the population have fluorosis of noticeable and functional harm which they would choose to be compensated for (\$2,400-\$10,500), and 1.46% at each year of life, an average per capita harm to teeth from excess fluoride exposure is \$35 to \$153 PPPY harm to teeth compared to \$6 PPPY benefit to teeth.

From just an evaluation of dental benefit cost analysis, fluoridation does not make sense.

An example of high quality dental fluorosis treatment (not my patient):

<sup>68</sup> https://www.statista.com/statistics/287384/usage-of-tooth-whiteners-in-the-us-trend/

### VI. COST OF FLUOROSIS DAMAGE (See also Endnote References)

"The principle hazard at issue from exposure to fluoridation chemicals is IQ loss.69"

Several streams of evidence should be kept in mind. Fluoride concentrations in water are not individual total exposure because not everyone drinks the same amount of water, some drink 10 times more than the mean, and some ingest more from other sources such as swallowing tooth-paste. Genetic factors need inclusion. An uncertainty factor should be included and a range of total exposure of at least 10 should be used. Pregnant moms are of particular concern because the placenta does not significantly protect the developing fetus from fluoride.

Whereas the mechanism for potential benefit from swallowing fluoride is not well understood, the mechanism of fluoride's developmental neurotoxicity has been reported. "*NaF induces de-velopmental neurotoxicity by decreasing lysosomal V-ATPase expression, increasing lysosomal pH, disrupting lysosomal degradation capacity, and blocking autophagic flux, induced neurotox-icity.*"<sup>70</sup>

Over 70 human IQ studies have reported developmental neurotoxicity from fluoride. Most studies prior to 2015 were ecological in design as opposed to individual level exposure and most not reasonably applicable to fluoridation concentrations. Since 2015, high-quality USA government funded studies included measurements at the individual level, at fluoridation concentrations 0.7 mg/L fluoride or less and report harm.

Twenty seven of the IQ studies published between 1988-2012 were used in a meta-analysis by a Harvard University team including Philippe Grandjean (Choi et al 2012). The consistent results from several countries found lower IQ in the "high-fluoride" villages compared with the low-fluoride villages, averaging 7 IQ points lower. Most were at levels above 0.7 mg/l.

<sup>&</sup>lt;sup>69</sup>Bruce Lamphear MD MPH Professor of Health Sciences at Simon Fraser University. Authored the seminal research on the neurotoxicity of lead.

<sup>&</sup>lt;sup>70</sup>Han X, Tang Y, Zhang Y, Zhang J, Hu Z, Xu W, Xu S, Niu Q, Impaired V-ATPase leads to increased lysosomal pH, results in disrupted lysosomal degradation and autophagic flux blockage, contributes to fluoride-induced developmental neurotoxicity, Ecotoxicology and Environmental Safety, Accepted 6 April 2022 <u>www.elsevier.com/lo-cate/ecoenv</u> https://doi.org/10.1016/j.ecoenv.2022.113500

Some may suggest the findings are irrelevant to fluoridation programs at 0.7 mg/L; however, potential harm to some or many should consider: (a.) the individual amount of water ingested, (b) total fluoride exposure, (c) patient sensitivity, (d) nutritional status (e) other toxicants such as arsenic, (f) and lack of uncertainty factor.

The NTP's systematic review of fluoride's neurotoxicity (2016-2022).

The US National Toxicology Program (NTP) Draft Monograph on the Systematic Review of Fluoride Exposure and Neurodevelopmental and Cognitive Health Effects<sup>71</sup> concludes fluoride is presumed to have a developmental neurotoxic effect on the developing brain, resulting in lower IQ. "Presumed" determination is stronger confidence than Nuffield's "potential harm." *"Fluoride is presumed to be a cognitive neurodevelopmental hazard to humans is based on consistent evidence from 26 lower risk-of-bias studies that evaluated fluoride exposure and effects on children's IQ and other cognitive effects."*<sup>72</sup>

The National Academy of Science (NAS) did a peer review of the NTP draft but "*did not conduct its own independent evaluation of the evidence, and it did not conduct a data audit,*" nor was the review blinded. The NAS did not refute the conclusion, in part because the NTP did not conduct a formal dose-response assessment. NTP did not evaluate benefit, only developmental neurotoxicity.

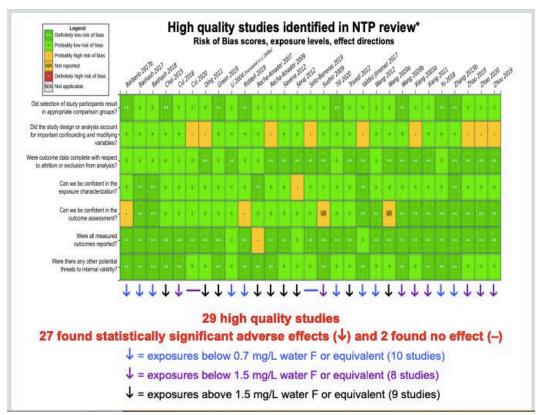
The NAS draft concluded, "the committee does not find that NTP has adequately supported its conclusion. That finding does not mean that the conclusion is incorrect; rather, further analysis or reanalysis as noted in the present report is needed to support conclusions in the monograph."

The NTP has published two drafts of its review of fluoride's neurotoxicity, (NTP,2019, NTP,2020).

The draft versions have indicated that of 29 High Quality (i.e. low risk of bias), 27 found a lowering of IQ and only 2 found no effect. Of these 27, 10 were conducted at 0.7 ppm or lower; another 8 conducted between 0.7 and 1.5 ppm and 9 at 1.5 ppm or higher (<u>ISEE-2020 poster</u>).

<sup>71</sup>https://www.asdwa.org/wp-content/uploads/2019/10/draft\_fluoride\_monograph\_20190906\_5081.pdf

<sup>&</sup>lt;sup>72</sup>DRAFT NTP MONOGRAPH ON THE SYSTEMATIC REVIEW OF FLUORIDE EXPOSURE AND NEURODEVELOPMENTAL AND COGNITIVE HEALTH EFFECTS p. 72. https://fluoridealert.org/wp-content/uploads/ntp.revised-monograph.9-16-2020.pdf



]The top of the half of this figure is the NTP's summary of the quality (risk of bias) ratings given by the NTP for 29 studies. The color code ranges from green to red, where green represents low risk of bias (i.e. high-quality) and red means high risk of bias (i.e. low-quality). The lower part of the figure has been added by Chris Neurath, FAN's research director, who has identified the water fluoridation measured in each study (see ISEE-2020 poster).

The finding of lowering IQ at 1.5 ppm offers no adequate margin of safety when you are exposing a large population of children to 0.7 ppm of fluoride in their drinking water. There are two reasons for this a) children drink different amounts of water and b) there is a wide range of sensitivity to any toxic substance among a large population. Typically, regulatory agencies like the EPA would like a margin of safety of 10, in this case 1.5 ppm only offers a margin of safety of 2.

Three benchmark dose analysis have been done for fluoride's developmental neurotoxicity, with consistent results.

Hirzy (2016) reported 1 IQ loss at 0.22 mg/L fluoride in water.

Grandjean (2021)<sup>73</sup> 1 IQ loss at 0.2 mg/L fluoride in urine or water. "Thus, the joint data show a BMCL in terms of the adjusted U-F (urine fluoride) concentrations in the pregnant women of approximately 0.2 mg/L. These results can be used to guide decisions on preventing excess fluoride exposure in pregnant women."

The third by Thiessen<sup>74</sup> for the TSCA ongoing trial against the EPA.

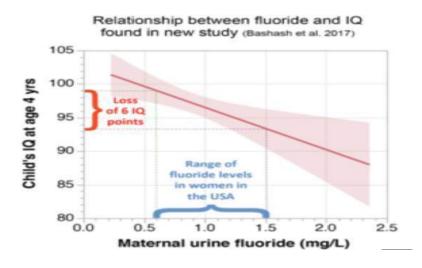
Table 6 of the NTP 2020 draft report lists only three studies from the year 2020, Wang, Cui, and Till, no studies from 2021 or 2022. The potential that additional studies will contradict the combined strength of current studies reporting harm is highly unlikely.

Three studies to consider based on individual measurements of fluoride exposure (<u>Bashash et al.</u>, 2017) published in *Environmental Health Perspectives*, then <u>Green et al.</u>, 2019 published in JAMA Pediatrics and <u>Till et al.</u>, 2020) in *Environment International*. They controlled for confounding variables and were conducted either in fluoridated communities at 0.7 ppm (Green, 2019 and Till, 2020) or in communities with exposures (from other sources) in the same range as fluoridated communities (Bashash, 2017 and 2018).

*Bashash, et al. 2017*, a 12-year, prospective mother-child cohort study reported a 4 to 5 point loss of IQ in offspring, associated with maternal fluoride intake, typical of a fluoridated community. The mother's fluoride exposure was measured directly via urinary fluoride level and the paired offspring's IQ was measured (again individually) at 4 and 6-12 years of age. Measured urinary fluoride concentration evaluates total fluoride exposure regardless of the source. Graphing the Bashash 2017 data below.

<sup>&</sup>lt;sup>73</sup>Grandjean P, Hu H, Till C, Green R, Bashash M, Flora D, Tellez-Rojo MM, Song PXK, Lanphear B, Budtz-Jørgensen E. A Benchmark Dose Analysis for Maternal Pregnancy Urine-Fluoride and IQ in Children. Risk Anal. 2021 Jun 8. doi: 10.1111/risa.13767. Epub ahead of print. PMID: 34101876.

<sup>&</sup>lt;sup>74</sup>Kathleen Thiessen Ph.D Director and senior scientist at Oak Ridge Center for Risk Analysis. Served on the 2006 National Research Council panel that reviewed the toxicologic literature on fluoride.



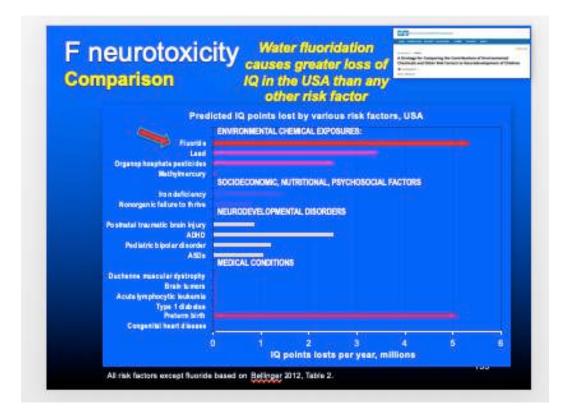
### (Graph by Connett and Neurath)

*Till et al, 2018.* again measured the urine fluoride levels in pregnant women across Canada and reported the urine fluoride levels were twice as high in fluoridated communities as in non-fluoridated communities. Till et al reported the average levels in the fluoridated communities were similar to the levels found by Bashash, i.e. 0.91 versus 0.87 ppm.

*Green et al., 2019* published in *JAMA Pediatrics* essentially replicated the Bashash, 2017 findings IQ lower in boys associated with maternal fluoride exposure but not in girls. Using two other ways of assessing maternal fluoride exposure they reported IQ low for boys and girls.

A podcast (LINK) by two of the *JAMA Pediatrics* editors is short and well worth watching. The editors also published in the same issue of the journal an editorial explaining this and an article from Dr. David Bellinger.

*Till et al., 2020.* showed that early infancy is another vulnerable period from fluoride for the developing brain. Till found a large significant lowering of IQ (i.e. up to 9 IQ points) for children who were bottle-fed in *fluoridated communities* in Canada (F level = 0.7 ppm or less) compared to those who were bottle-fed in *non-fluoridated communities*.



This figure is based on data collected by David Bellinger (<u>Bellinger, 2012</u>, Table 2) only the fluoride data line has been added. Figure by Chris Neurath (<u>ISEE-2020</u> <u>poster</u>)

Gram for gram, based on our current understanding, fluoride is not more neurotoxic than lead. Lead levels and IQ loss is measured in parts per *billion* fluoride and IQ loss is measured in parts per *million*. However, millions of people every day in the USA is leading to a greater overall loss of IQ points at the population level.

Studies reporting no IQ concerns.

<u>Broadbent et al. (2015)</u> The draft versions of the systematic review by the NTP gave this study a low-quality rating (a high risk of bias). Osmunson<sup>75</sup> reported the study had little power to find a difference in IQ between the children who drank fluoridated water and those who didn't. There were nearly 1000 children who grew up in a fluoridated area but less than 100 who did not. Only fluoride via water was measured and not via tea, toothpaste or via supplements which are seldom prescribed to those on fluoridated water; therefore, most supplements would have been pre-

<sup>&</sup>lt;sup>75</sup>Osmunson, B., Limeback, H., & Neurath, C. (2016). Study Incapable Of Detecting IQ Loss From Fluoride. *American journal of public health*, *106*(2), 212–213. https://doi.org/10.2105/AJPH.2015.302918

scribed in the non fluoridated 100 children. Exposure during fetal and infant development were not measured.

Aggeborn and Öhman (2016). <u>The Effects of Fluoride In The Drinking Water</u>. looked at populations by region in Sweden and used the average naturally occurring fluoride level because Sweden is not artificially fluoridated. The authors considered population measurements for cognitive ability and achievement. Individual measurements of fluoride exposure were not made. Dr. Vyvyan Howard, an infant and fetal pathologist, "Anybody who accepts that this paper trumps Bashash and/or Green can't have read any of the studies very thoroughly - or has an agenda."

*Guth et al.* 2020 and 2021 incorrectly give more weight to the Broadbent study than to the Green study with individual measured fluoride concentrations.

<u>Miranda et al., 2021</u> only considered studies of children aged 8- 12. (See https://www.qeios.-com/read/X3MKH8).

<u>Ibarluzea et al., 2022</u>. This prospective cohort study from Spain is an outlier. They did *not* find a loss of IQ in the fluoridated community compared to the non-fluoridated community, rather they found a *15 IQ point benefit* for boys. Ibarluzea et al appears to have failed to adequately control for other toxins such as for lead and arsenic in the industrial non-fluoridated community.

## TOXIC SUBSTANCE CONTROL ACT LEGAL ACTION

In 2017, the EPA was taken to Federal court (Region 9, San Francisco). Experts for the plaintiffs were Howard Hu (director of the ELEMENT cohort in Mexico City which was used in the Bashash, 2017 and 2018 studies); Bruce Lanphear, a world-renowned expert on lead's neurotoxicity and co-author of the Green, 2019 and Till, 2021 studies and Philippe Grandjean, a world-renowned expert on mercury's neurotoxicity and author of <u>a risk assessment (BMD analysis)</u> on fluoride's neurotoxicity.

*EPA used Exponent, Inc. experts.* The EPA lawyers chose not to use scientists from within the agency, but instead used experts from the firm *Exponent, Inc.* This firm is well known for being highly industry-friendly defending the safety of such chemicals as dioxins, PCBs, PFOS and Monsanto's glyphosate. The Exponent's experts agreed the four US government-funded studies (Bashash, 2017, 2018; Green, 2019 and Till, 2020) are the highest quality human studies on fluoride conducted to date.

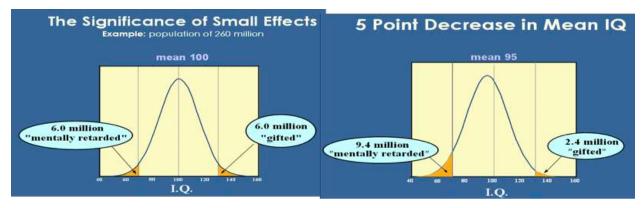
Hu, "Fluoride is a developmental neurotoxicant at levels of exposure seen in the general population in water-fluoridated communities." Grandjean<sup>76</sup> "IQ losses associated with community water fluoridation are substantial and of significant public health concern."

Lamphear<sup>77</sup> "Fluoride exposure during early brain development diminishes the intellectual abilities in young children."

Estimating the cost of lower IQ depends in part on what is included in lower IQ. Research indicates we can expect more than 50% increase in special education students, half as many gifted, increase in incarceration, increase in divorce, increase in job loss and less job retention. Higher IQ is also associated with increased happiness.

For more human studies reporting fluoride's developmental neurotoxicity, see <u>https://fluorideal-ert.org/studies/brain01/</u> where a review of studies which do not report an association between fluoride and IQ can be found.

Graphing the effect of 5 IQ loss on the population below raises serious concern.



(Illustration used by Physicians for Social Responsibility and effects of lead)

<sup>&</sup>lt;sup>76</sup>Phillipe Grandjean MD DMSc Chair of Environmental Medicine at the University of Southern Denmark. Nearly 500 papers published, specialized in developmental exposures to environmental chemicals like mercury, fluoride, and lead.

<sup>&</sup>lt;sup>77</sup>Bruce Lamphear MD MPH Professor of Health Sciences at Simon Fraser University.

In addition, blood lead levels in fluoridated communities are twice as high for whites and six times higher for African Americans.<sup>78</sup>,<sup>79</sup>,<sup>80</sup>

There is an incredible correlation between IQ and income. Various reports find homeless mean IQ of 80, average American welfare recipient IQ 92, millionaires IQ 118 and billionaires 130.<sup>81</sup> However there is not a direct correlation between dollars and IQ. For example, some professions such as University Professors, Judges, and Humanitarian agency employees often have very high IQ but chose the betterment of society rather their own financial benefit.

We are just beginning to determine what dimension of IQ is harmed the most with fluoride ingestion. "<u>According to</u> professor Howard Gardner of Harvard University, intelligence can be measured along seven different dimensions: Visual-spatial, bodily-kinesthetic, musical, social, emotional, linguistic, and logical-mathematical. At most, an IQ test tries to measure three of these: Visual-spatial, linguistic, and logical-mathematical. Some people see even more dimensions creativity, memory and retention, reaction time, etc."

As scientists test fluoride's neurotoxic effects in more specific ages, races, genders, nutrients, diseases, medications, and various intelligence dimensions, we will have a more clear and elevated confidence on precisely how much and what aspects of the human brain and nervous system is being harmed.

There will always be some who in effect require RCTs of harm to prove damage. However, an ethical approach only requires our confidence to be at a potential of harm.

<sup>&</sup>lt;sup>78</sup>Coplan MJ, Patch SC, Masters RD, Bachman MS. Confirmation of and explanations for elevated blood lead and other disorders in children exposed to water disinfection and fluoridation chemicals. Neuro-toxicology. 2007 Sep;28(5):1032-42. doi: 10.1016/j.neuro.2007.02.012. Epub 2007 Mar 1. PMID: 17420053.

<sup>&</sup>lt;sup>79</sup>Maas RP, Patch SC, Christian AM, Coplan MJ. Effects of fluoridation and disinfection agent combinations on lead leaching from leaded-brass parts. Neurotoxicology. 2007 Sep;28(5):1023-31. doi: 10.1016/j.neuro.2007.06.006. Epub 2007 Jun 30. PMID: 17697714.

<sup>&</sup>lt;sup>80</sup>Masters RD, Coplan MJ, Hone BT, Dykes JE. Association of silicofluoride treated water with elevated blood lead. Neurotoxicology. 2000 Dec;21(6):1091-100. PMID: 11233755.

<sup>81</sup>https://pumpkinperson.com/2016/02/11/the-incredible-correlation-between-iq-income/

Muir<sup>82</sup> (2001) estimated 5 IQ loss in the USA of \$275 and \$326 Billion per year or \$980 to \$1,160 PPPY in 2001 and correcting 2.2 for 2010 dollars is \$2,156 to \$2,552PPPY

The highest estimate of fluoridation's benefit is lost when including cosmetic and functional harm and presumed developmental neurotoxic effects are more confident than a judgment of potential harm.

Attempting to measure harm to the brain with money, fails to include the emotional harm and grief for the patient, their families and friends.

<sup>&</sup>lt;sup>82</sup>Muir T, Zegarac M., Societal Costs of Exposure to Toxic Substances: Economic and Health Costs of Four Case Studies That Are Candidates for Environmental Causation. Environmental Health Perspectives Volume 109 Supplement 6. December 2001.

### VII. RISK: POTENTIAL ADHD INCREASE.

Attention Deficit Hyperactivity Disorder (ADHD) has become one of the most commonly diagnosed childhood behavioral disorders. Its basic characteristics are inattention, hyperactivity and impulsivity. "ADHD often continues into adolescence and adulthood, which can lead to medication dependency and a lifetime of treatment (Maddox et al.YEAR)"

*Malin and Till* examined the relationship between exposure to fluoridated water and ADHD prevalence among children and adolescents, ages 4-17, in the United States. The authors found that, the percentage of each state fluoridated as assessed in 1992, "significantly positively predicted state prevalence of ADHD in 2003, 2007 and 2011, even after controlling for socioeconomic status."

A multivariate regression analysis showed that after socioeconomic status was controlled each 1% increase in artificial fluoridation prevalence in 1992 was associated with approximately 67,000 to 131,000 additional ADHD diagnoses from 2003 to 2011. Overall state water fluoridation prevalence (not distinguishing between fluoridation types) was also significantly positively correlated with state prevalence of ADHD for all but one year examined." (Malin & Till, 2015). See figure below

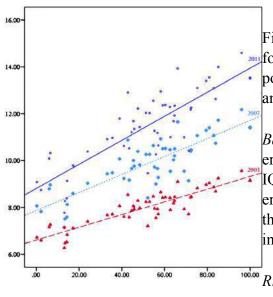


Figure 12: Percent of children with ADHD (by state) for 2003, 2007 and 2011 plotted against the % of the population in each state fluoridated in 1992 (Mallin and Till, 2015)

*Bashash et al., 2018* using the same ELEMENT mother-child cohort in Mexico City that they used in their IQ study (Bashash et al, 2017) found that as the mothers' exposure to fluoride increased (as measured in their urine) so did the number of symptoms of ADHD increase in their offspring

*Riddell, et al. 2019.* Reported 284% increase in the prevalence of ADHD among adolescents in fluoridated

communities in Canada compared to non-fluoridated communities.

ADHD appears to have different phases and life long effect.83

<sup>&</sup>lt;sup>83</sup>Brod, M., Schmitt, E., Goodwin, M. et al. ADHD burden of illness in older adults: a life course perspective. Qual Life Res 21, 795–799 (2012). https://doi.org/10.1007/s11136-011-9981-9

CDC<sup>84</sup> 2016 reported National Prevalence of ADHD at 6.1% children 2-17. That reduces 4.5% of the total population are on fluoridated water. We estimate half or 2.25% of the ADHD is from fluoridation.

<u>Miller</u><sup>85</sup> estimated excess ADHD costs from \$143 to \$266 Billion per year, we use 2.25% of 180 Billion resulting in \$4 Billion per year, 60 year lifespan, for \$240 Billion ADHD lifetime harm from fluoridation. For every dollar saved with fluoridation, ADHD costs increase by \$1,700. However, some of these costs would overlap with costs for lower IQ.

<sup>&</sup>lt;sup>84</sup>Danielson M, Bitsko R, Ghandour RM, Holbrook J, Kogan, M, Prevalence of Parent-Reported ADHD Diagnosis and Associated Treatment among U.S. Children and Adolescents, 2016.. Journal of Clinical Child and Adolescent Psychology. Published online before print January 24, 2018

<sup>&</sup>lt;sup>85</sup>Miller C, Study Finds Substantial Economic Impact of ADHD in the United States. American Psychiatric Association Foundation, November 2016.

#### VIII. RISK: ENDOCRINE AND HORMONE DISRUPTION (See also endnotes)

"Endocrine systems, also referred to as hormone systems, are found in all mammals, birds, fish, and many other types of living organisms. They are made up of:

- -Glands located throughout the body;
- -Hormones that are made by the glands and released into the bloodstream or the fluid surrounding cells; and
- -Receptors in various organs and tissues that recognize and respond to the hormones."86, 87

Hormones regulate many biological processes and regulate blood sugar, growth, , reproductive organs, metabolism, sex hormones, development of the brain, and nervous system, testes, ovaries, pituitary, thyroid and adrenal glands.

The National Research Council (NRC, 2006) panel devoted a whole chapter to a discussion of fluoride and the endocrine system.

The panel concluded that fluoride was an endocrine disruptor. The authors state:

"The chief endocrine effects of fluoride exposures in experimental animals and in humans include decreased thyroid function, increased calcitonin activity, increased parathyroid hormone activity, secondary hyperparathyroidism, impaired glucose intolerance, and possible effects on the timing of sexual maturity. Some of these effects are associated with fluoride intake that is achievable at fluoride concentrations in drinking water of 4 mg/L or less, especially for young children or for individuals with high water intake. (p. 8, NRC 2006)

"In summary, evidence of several types indicates that fluoride affects normal endocrine function or response; the effects of the fluoride-induced changes vary in degree and kind in different individuals. Fluoride is therefore an endocrine disruptor in the broad sense of altering normal endocrine function or response, although probably not in the sense of mimicking a normal hormone." (p. 266, NRC 2006)

<sup>&</sup>lt;sup>86</sup>https://www.epa.gov/endocrine-disruption/what-endocrine-system#hormones

<sup>&</sup>lt;sup>87</sup>United States Environmental Protection Agency, What is the Endocrine System? https://www.epa.gov/endocrine-disruption/ what-endocrine-system#hormones

Endocrine damage is a serious concern. Endocrine disruption can cause developmental malformations, reproductive harm, increased cancer risk, disturbances in the immune and nervous system function.

Cost of Endocrine disruption from fluoride. Attina<sup>88</sup> (2016) estimated the economic burden due to the health effects of endocrine-disrupting chemicals at \$340 Billion which maybe low. Estimating how much damage is caused by each specific endocrine disrupting chemical has not been published. The amount of damage from fluoride exposure is not know and probably overlap with lower IQ and ADHD.

Liang<sup>89</sup> "These results revealed that fluoride could induce mitochondrial impairment and excessive PINK1/Parkin-mediated mitophagy in testicular cells, especially in Leydig cells, which could contribute to the elucidation of the mechanisms of F-induced male reproductive toxicity."

<sup>&</sup>lt;sup>88</sup> Attina TM Hauser R Sathyanarayana S et al. Exposure to endocrine-disrupting chemicals in the USA: a populationbased disease burden and cost analysis. Lancet Diabetes Endocrinol. 2016; 4: 996-1003

<sup>&</sup>lt;sup>89</sup>Liang C, Gao Y, He Y, Han Y, Manthari RK, Tikka C, Chen C, Wang J, Zhang J. Fluoride induced mitochondrial impairment and PINK1-mediated mitophagy in Leydig cells of mice: In vivo and in vitro studies. Environ Pollut. 2020 Jan;256:113438. doi: 10.1016/j.envpol.2019.113438. Epub 2019 Oct 21. PMID: 31672359.

## IX. RISK: POTENTIAL FOR THYROID HARM (See also endnotes)

In 2006, the NRC panel reported: "Fluoride exposure in humans is associated with elevated TSH concentrations, increased goiter prevalence, and altered T4 and T3 concentrations; similar effects in T4 and T3 are reported in experimental animals, but TSH has not been measured in most studies." (p. 262) An elevated TSH level is an indicator of low thyroid function.

The NRC panel also indicated that effects on the thyroid have been observed at very low levels. They state that, "In humans, effects on thyroid function were associated with fluoride exposures of 0.05-0.13 mg/kg/day when iodine intake was adequate and 0.01-0.03 mg/kg/day when iodine intake was inadequate (Table 8-2)." (p. 263, NRC 2006).

*Hypothyroid and fluoride study from UK*. These concerns were further reinforced by new research conducted in the UK and published in 2015 by Peckham et al.<sup>90</sup>

Peckham et al. used the records of over 98% of the General practices in England on the numbers of patients treated for hypothyroidism and examined the prevalence of this condition as a function of the fluoride levels in the local drinking water supplies. The authors noted that:

"Approximately, six million people (10%) in England live in areas where drinking water contains natural fluoride or which has been artificially fluoridated at a target concentration of 1 ppm (1 mg/L). Using prevalence data from the UK QOF, an analysis was undertaken to determine whether prevalence was affected by practice populations being situated in fluoridated areas at >0.7 mg/L and areas with lower levels of fluoride. While there are other sources of fluoride in people's diet (eg, tea), drinking water is the most significant source of ingested fluorides in the UK." (Peckham et al, 2015)

The UK research team found that higher levels of fluoride in drinking water was a useful predictor of the prevalence of hypothyroidism. They found that general medical practices located in the West Midlands (a wholly fluoridated area) are nearly twice as likely to report high hypothyroidism prevalence in comparison to Greater Manchester (non-fluoridated area). (Peckham et al, 2015)

Peckham et al, concluded:

"In many areas of the world, hypothyroidism is a major health concern and in addition to other factors—such as iodine deficiency— fluoride exposure should be considered as a contributing factor. The findings of the study raise particular concerns about the validity of community fluoridation as a safe public health measure." (Peckham et al, 2015)

<sup>&</sup>lt;sup>90</sup>Peckham S, Lowery D, Spencer S. 2015. Are fluoride levels in drinking water associated with hypothyroidism prevalence in England? A large observational study of GP practice data and fluoride levels in drinking water. J Epidemiol Community Health 69(7):619-24. <u>https://www.ncbi.nlm.nih.gov/pubmed/25714098</u>

- A. Peckham's findings are not totally unexpected, because of the experience of doctors using fluoride to lower thyroid function in patients with hyperthyroidism. Hypothyroidism is a very common disorder in the US. In fact, one of the most prescribed drugs in the USA is synthroid, which is used to treat hypothyroidism. It can have serious adverse health effects.
- B. Race may be a factor in sensitivity to certain thyroid diseases, which may make minorities more vulnerable to fluoride's impacts on thyroid function
- C. Reduced thyroid function in pregnant women is linked to reduced IQ in their children and there is accumulating evidence that fluoride, at levels within the range to which fluoridated populations are exposed, is associated with lowered IQ (see section 14 above). Fluoride's effect on thyroid function might be one mechanism by which it lowers IQ.

Malin et al, 2018. In a large study of the Canadian population did not find an association between fluoride exposure and TSH levels (a biomarker for HYPOthyroidism) in the general population but she did find that *the subset of the population which had outright or borderline iodine deficiency had their TSH levels raised further by fluoride exposure*.

In other words, those who were already pre-disposed to low thyroid function (because of low iodine intake) had their condition made worse by fluoride exposure.

## X. RISK: CANCER

The Nuffield Committee recommended evaluating fluoridation on the "potential" of harm.

Thiessen<sup>91</sup> (2010) "The EPA should be aware that three U.S. courts have found fluoridated water to be carcinogenic to humans (described in detail by Graham and Morin 1999). The NRC's committee on fluoride toxicology unanimously concluded that 'Fluoride appears to have the potential to initiate or promote cancers,' even though the overall evidence is 'mixed' (NRC 2006a). . . The question becomes one of how strongly carcinogenic fluoride is, and under what circumstances."

Bassin (2006)"We observed that for males diagnosed before the age of 20 years, fluoride level in drinking water during growth was associated with an increased risk of osteosarcoma, demonstrating a peak in the odds ratios from 6 to 8 years of age. All of our models were remarkably robust in showing this effect, which coincides with the mid-childhood growth spurt." (Bassin, et al., Cancer, Causes & Control, 2006)

Osteosarcoma is a rare, but deadly, form of cancer that strikes primarily during the teenage years. A national case control study published in 2006 by Harvard scientists found that boys exposed to fluoridated water during their 6th, 7th, and 8th years of life (the mid-childhood growth spurt) had a significantly elevated risk of developing osteosarcoma during adolescence. (Bassin 2006). The sex-specific link between fluoride and osteosarcoma in young males is consistent with the gov-ernment's animal study, (NTP 1990), which found osteosarcomas in the fluoride-treated male rats, but not the female ones. It is also consistent with previous studies by the National Cancer Institute and New Jersey Department of Health, which both found associations between fluoridation and osteosarcoma in young males. (Cohn 1992; NCI 1990)

The plausibility of a fluoride/osteosarcoma connection is grounded in the three considerations:

- 1. Bone is the principal site of fluoride accumulation, particularly during the growth spurts of childhood;
- 2. Fluoride is a mutagen when present at sufficient concentrations; and
- **3**. Fluoride stimulates the proliferation of bone-forming cells (osteoblasts), which may "increase the risk for some of the dividing cells to become malignant." (NRC 2006).

A number of studies did not find an association between fluoride and osteosarcoma. However, they were not "age-specific" and not as carefully controlled. Douglass compared bone tumors with osteosarcoma and did not repot a significant increase in bone fluoride concentrations. However, he did not compare fluoride concentrations with age controlled healthy bone fluoride

<sup>&</sup>lt;sup>91</sup> KM Thiessen, Senes Oak Ridge, Inc. Center for Risk Analysis. Comments on

the Need for Revision of the NPDWR for Fluoride May 27, 2010 p. 8. https://fluoridealert.org/wp-content/uploads/ connett-2010.pdf

concentrations. Similar age normal bone has about 200 ppm, the tumors double and osteosarcoma triple the fluoride concentration. Comparing the osteosarcoma bone with normal bone does show a significance.

Takahashi<sup>92</sup> (2001) reported, "cancers of the oral cavity and pharynx, colon and rectum, hepatobiliary and urinary organs were positively associated with FD. This was also the case for bone cancers in male, in line with results of rat experiments. Brain tumors and T-cell system Hodgkin's disease, Non-Hodgkin lymphoma, multiple myeloma, melanoma of the skin and monocytic leukaemia were also correlated with FD. Of the 36 sites, 23 were positively significant (63.9%), 9 not significant (25.0%) and 4 negatively significant (11.1%). This may indicate a complexity of mechanisms of action of fluoride in the body, especially in view of the coexising positive and negative correlations with the fluoridation index. The likelihood of fluoride acting as a genetic cause of cancer requires consideration."

<sup>&</sup>lt;sup>92</sup>Kosei Takahashi, Kenji Akiniwa, Kenichi Narita. Regression Analysis of Cancer Incidence Rates and Water Fluoride in the U.S.A. based on IACR/IARC (WHO) Data (1978-1992). Journal of Epidemiology. https:// www.jstage.jst.go.jp/article/jea1991/11/4/11\_4\_170/\_article/-char/ja/

### XI. RISK: ENVIRONMENTAL JUSTICE

#### Other Potential Harm. (See also endnotes)

Fluoride ingested appears to go to all tissues. There are no tissues which appear safe from ingested fluoride. Only time will confirm whether fluoride harms all tissues. Some scientists have the greatest concern for the harm to the mitochondria.

A major prospective cohort study from Sweden demonstrates a higher risk of hip fractures in post-menopausal women associated with long term exposure to natural fluoride *at levels in water in the same range as America fluoridates its water* [Helte et al., 2021].

Recent epidemiological studies conducted in the United States, using individual biomarker measures of fluoride exposure, reported an association between low to moderate fluoride intake and impaired renal and hepatic function [Malin et al., 2019], increased risk of hyperuricemia [Wei et al., 2021], as well as adverse effects on reproductive endocrinology in U.S adolescents [Bai et al., 2020].

African Americans and Hispanics have been shown to be at an increased risk of developing dental fluorosis, and have a higher risk of suffering from the more severe forms of this condition (Russell, 1962; Butler et al., 1985; Williams and Zwemer, 1990; Beltrán-Aguilar et al., 2005; Martinez-Mier and Soto-Rojas, 2010).

Fluoride is more toxic when exposure is accompanied by poor nutrition, especially low iodine and calcium intake. Poor nutrition is more likely to occur in low-income families than those with higher incomes.

Lactose intolerance is more frequent among Blacks and other ethnic groups than whites. Central and East Asians are 80-100% lactose intolerant (de Vrese, 2001); Native Americans are 80-100% lactose intolerant (National Institute of Child Health and Human Development, 2006); African Americans are 75% lactose intolerant, and Southern Indians are 70% lactose intolerant (de Vrese, 2001). Less consumption of dairy products typically means lower exposure to calcium. Calcium in the diet helps to a certain extent to protect against absorption of fluoride from the gut.

African Americans consume significantly more total fluids and plain water, and thus receive more fluoride from drinking water, than white children (Sohn et al., 2009).

Minority families are less likely to breast-feed their children. As human milk contains very low levels of fluoride (Ekstrand et al., 1981, 1984; Sener et al., 2007), when baby formula is made up with fluoridated water it leads to over 100 times more exposure to fluoride than breast-feeding (see 6.5 above). African Americans are less likely to breastfeed than most other racial groups: "non-Hispanic blacks had a lower prevalence of breastfeeding initiation than non-Hispanic whites in all but two states…"-(CDC, 2010).. If the parent reduces the amount of formula to save

money as many poor parents do (Stein 2008; Egemen et al., 2002; Parraga et al., 1988), and adds more water than recommended, these children will receive even higher levels of fluoride.

Minority communities have a greater incidence of kidney disease. Poor kidney function increases fluoride's uptake into the bone, which is likely to increase the rates of arthritis and hip fractures (over a lifetime).

Minority communities have a greater incidence of diabetes, some forms of which lead to an increased consumption of water, which in turn leads to a greater consumption of fluoride.

(Sohn et al., 2009). Sener et al., 2007), African Americans are less likely to breastfeed than most other racial groups: "non-Hispanic blacks had a lower prevalence of breastfeeding initiation than non-Hispanic whites in all but two states..." (CDC, 2010).. If the parent reduces the amount of formula to save money as many poor parents do (Stein 2008; Egemen et al., 2002; Parraga et al., 1988),

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# XII. ALTERNATIVES TO FLUORIDATION

If a person seriously wants to ingest fluoride, alternatives are available. The FDA has not approved fluoridation nor swallowing fluoride toothpaste. Swallowing a pea size of fluoridated toothpaste is an alternative, provides individual choice, is less expensive but still not ethically ideal. Prescriptions for supplements and topical fluoride application in schools and oral hygiene has been suggested.<sup>93</sup>

However, the best alternative is oral hygiene and diet instruction along with raising the socioeconomic status of a community.

<sup>&</sup>lt;sup>93</sup>Ethics Consultation Report Ethical Considerations in Community Water Fluoridation, by the Public Health Agency of Canada's Public Health Ethics Consultative Group, December 18, 2018 p.1. <u>https://www.caphd.ca/sites/de-fault/files/Ethical%20Considerations%20for%20Community%20Water%20Fluoridation.pdf</u>

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## NTP 2019

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### NTP 2020

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- The influence of fluoride in drinking water on the incidence of fluorosis and intelligence of elementary school students in Palu City. <u>https://www.sciencedirect.com/science/article/pii/</u> <u>S0213911121001965?via%3Dihub</u>
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From: Tammi Chappell Sent: 4/29/2022 11:29:53 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of animals

External Email

Hello,

I would appreciate if you would postpone this issue for now. I'm a horse owner would like to be more educated on this issue and what is expected of us .Also, many horses owners do not belong to a chapter who aren't aware of the this issue. This would give us more time to be educate and educate non chapter members so the can vote too.

My other concern is homeless waste/ trash is now appearing in our woods/trails. For example, we have a homeless persons living at Danville woods, possibly 3 .There has been three different tents at Danville in different areas in the woods.

Please understand, horses are part of the land that belong here. Housing developments destroy more land than horse manure.

Thank you, Tammi From: Yukari Sent: 6/2/2022 11:19:28 AM To: DOH WSBOH Cc: Subject: We do not support forced mRNA shots to humans

External Email

Dear the agencies

I have wrote to ask not to mandate mRNA to anybody many many times I the past. We knew it that you all will be push this again. I'm sick and tired of writing this public comment many times but I need to write as a mom of three and as a person who knows the human

Rights as commonsense.

My great grand farther was passed away within three days after the third booster shots in Japan. Not only he was passed away but also many of my parents' friends have dead with the mRNA.

I knew that all of what is happening is part of agenda by UN called agenda 21 and agenda 2030 since the beginning.

All of the world wide agencies have to obey what they require. Who is making tons of money for this? It is the big Pharma.

Mandating experimental shots is called communism and if anyone who knows what is happening and just ignore the fact that many people have died and are having severe side effects by mRNA, it is very sad to see but it is called communists who tend to listen to only the authority to only keep your own sake. What We have been eye witnessing is exactly what happened back in WW2.

Many of them noticed that none of their family member or friends or employees have passed way with this covid of 99.99999 percent of recovery rate. Why would you stop claiming flu or cold anymore?

The common sense is that We are humans who have the authority to protect our bodies. Do not be slave of big Pharma and tech what have been pushing this so hard since the closure.

Sincerely

,

Yukari Evins

From: Sheryl Barbour Sent: 4/27/2022 9:25:36 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: keeping of animals

External Email

Please refrain from deciding this at this point without the input of those it will directly involved, both from recreational and business standpoints.

S A Barbour

Owner of a horse ranch, chicken laying producer and organic meat herd.

Sent from Mail

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F% for Windows

From: Richard Mahar Sent: 5/26/2022 12:31:54 PM To: DOH WSBOH Cc: Subject: RE: CR-103 Alert: Rule Adoption, Chapter 246-90 WAC, Local Board of Health Membership

attachments\2D361ED3159D4F5A\_image001.png

External Email

Dear BOH,

I have a question and concern about the below RCW and the powers and duties of the local board of health.

Here is the quote:

RCW 70.05.060 <a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fapp.leg.wa.gov%2FRCW%2Fdefaul">https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fapp.leg.wa.gov%2FRCW%2Fdefaul</a>

Powers and duties of local board of health.

Each local board of health shall have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction and shall:

In light of the last two years of pandemic and the ever growing inclusion of so many issues into "life and health of the people" this RCW seems very over extensive and deep. Are there any breaks or limitations? "All matters pertaining to" is very broad and overreaching to many people I represent.

Thanks for your upcoming response.

**Richard Mahar** 

Commissioner District 1

Skamania County, WA

509-427-3701

"Grateful to the Supreme Ruler of the universe for our liberties"

From: DOH WSBOH <WSBOH@SBOH.WA.GOV> Sent: Wednesday, May 25, 2022 2:33 PM Subject: CR-103 Alert: Rule Adoption, Chapter 246-90 WAC, Local Board of Health Membership

\*\* WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. \*\*

The Washington State Board of Health (Board) has adopted rules to establish chapter 246-90 WAC, Local Board of Health Membership. The rules go into effect on July 1, 2022. The CR-103 (document attached) announces the new rules, filed as WSR 22-11-039.

This new chapter establishes rules regarding the appointment process for non-elected members of local boards of health as required by Engrossed Second Substitute House Bill 1152

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Flawfilesext.leg.wa.gov%2Fbienniun 22%2FPdf%2FBills%2FSession%2520Laws%2FHouse%2F1152-S2.SL.pdf%3Fq%3D20210525101041&data=05%7C01%7CWSBOH%40SBOH.WA.GOV%7C505797ff3fa143

(E2SHB 1152).

The concise explanatory statement (document attached) summarizes the differences the between the proposed rules and adopted rules and responses to public comments. Among other things, the Board rules:

\* Establish the purpose and scope of the chapter.

\* Define terms for use throughout the chapter.

\* Establish the requirements for any resolution, ordinance, or other mechanism for amending the composition of a local board of health.

\* Establish requirements for recruitment activities for nonelected members of local boards of health.

\* Establish requirements and provide flexibility for the selection of nonelected members of local boards of health.

\* Describe the exceptions to the chapter in alignment with E2SHB 1152.

For more information regarding this rule please contact email Board Staff at LBOHComposition@sboh.wa.gov < mailto:LBOHComposition@sboh.wa.gov>.

Thank you,

(360) 236-4110

P.O. Box 47990, Olympia, WA 98504-7990

Location

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.google.com%2Fmaps%2Fpla 122.9083621%2C17z%2Fdata%3D!3m1!4b1!4m5!3m4!1s0x549173f074205aa3%3A0x552ddc5f79ee44b6! 122.9061681%3Fhl%3Den&data=05%7C01%7CWSBOH%40SBOH.WA.GOV%7C505797ff3fa1438afa7208d • Website

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01 · Email <mailto:wsboh@sboh.wa.gov> · Facebook

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FWashingtor
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<mailto:wsboh@sboh.wa.gov?subject=Please%20Add%20My%20Name%20to%20the%20WSBOH%20Ema

This announcement is being sent to the Board's general and Local Board of Health Composition rule distribution lists. Please excuse any duplication.

From: Nancy the Soul Dancer Sent: 5/5/2022 2:16:31 PM To: DOH WSBOH,Amy Bolen,David Wolbrecht,jarnold@kirklandwa.gov,Jon Pascal,Kathi Anderson,Kelli Curtis,kraymond@kirklandwa.gov,Kurt Triplett,Mayor Penny Sweet,Neal Black,Toby Nixon Cc: Subject: DR. Campbell's report

External Email

 From: Davis, Michelle (SBOH) Sent: 4/18/2022 11:55:03 AM To: DOH WSBOH Cc: Subject: FW: Omicron



Michelle Davis, MPA (she/her)

**Executive Director** 

Washington State Board of Health

michelle.davis@sboh.wa.gov <mailto:michelle.davis@sboh.wa.gov>

360-236-4105

Website

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fsboh.wa.gov%2F&data=04%7C01% | Facebook <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FWASBOH% |Twitter <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=04%

From: Monica Huckleberry <ronron.34@icloud.com> Sent: Monday, April 18, 2022 11:15 AM To: Davis, Michelle (SBOH) <Michelle.Davis@sboh.wa.gov> Subject: Omicron

### External Email

This is government over reach and we the people will not accept this pre planned idea. For one the omicron virus has proven its self that it does not cause GREAT number of harm on the population. You as a president of health in Washington State will cause unnecessary unrest in this state if you and other leadership accept such ideas. We the people are not ignorant on this matter therefore please reject ideas from the above White House release that I pinned to this email.

This country has Constitution and Bill of Rights for we the people please do follow.

I pray you had a wonderful Easter.

Monica Campbell P.O. Box

Malden WA 99149 Registered Voter in Washington State Sent from my iPhone From: Jamie Farr Sent: 5/3/2022 6:50:15 PM To: DOH WSBOH Cc: Subject: Fwd: COVID 19 osd disabilities kallisti allenson Labyrinth allenson serendipity allenson

External Email

------ Forwarded message ------From: Jamie Farr <jezzabell17@gmail.com <mailto:jezzabell17@gmail.com> > Date: Mon, May 2, 2022, 7:31 PM Subject: COVID 19 osd disabilities kallisti allenson Labyrinth allenson serendipity allenson

To: <covid.vaccine@doh.wa.gov <mailto:covid.vaccine@doh.wa.gov> >, Debbie Haddon <dhaddon@osd.wednet.edu <mailto:dhaddon@osd.wednet.edu> >, Sean Huff <shuff@osd.wednet.edu <mailto:shuff@osd.wednet.edu> >, Sean Shaughnessy <sshauqhnessy@osd.wednet.edu <mailto:sshauqhnessy@osd.wednet.edu> >, Caitlin Wood <cwood@osd.wednet.edu <mailto:cwood@osd.wednet.edu> >, Lorie Gillespie lgillespie@osd.wednet.edu <mailto:lgillespie@osd.wednet.edu> >, <klturcotte@osd.wednet.edu <mailto:klturcotte@osd.wednet.edu> >, Michael L. Cimino <mcimino@osd.wednet.edu <mailto:mcimino@osd.wednet.edu> >, <adavis@osd.wednet.edu <mailto:adavis@osd.wednet.edu> >, <parent@ed.gov <mailto:parent@ed.gov> >, <ada.complaint@usdoj.gov <mailto:ada.complaint@usdoj.gov> >, <maria.aponte@co.thurston.wa.us <mailto:maria.aponte@co.thurston.wa.us> >, Micah Shelton <mshelton@osd.wednet.edu <mailto:mshelton@osd.wednet.edu> >, Marisa Schaff <mschaff@osd.wednet.edu <mailto:mschaff@osd.wednet.edu> >, <familyaccess@osd.wednet.edu <mailto:familyaccess@osd.wednet.edu> >, Nancy Faaren <nfaaren@osd.wednet.edu <mailto:nfaaren@osd.wednet.edu> >, <forgottenorfree@gmail.com <mailto:forgottenorfree@gmail.com> >, Betsy Durant <bdurant@osd.wednet.edu <mailto:bdurant@osd.wednet.edu> >, Lucy Baltazar <aloesch@osd.wednet.edu <mailto:aloesch@osd.wednet.edu> >, Burke Anderson <BANDERSON@osd.wednet.edu <mailto:BANDERSON@osd.wednet.edu> >, <acrawford@osd.wednet.edu <mailto:acrawford@osd.wednet.edu> >, <kzarate@osd.wednet.edu <mailto:kzarate@osd.wednet.edu> >, Patrick Murphy <pmurphy@osd.wednet.edu <mailto:pmurphy@osd.wednet.edu> >, <welfarerights@riseup.net <mailto:welfarerights@riseup.net> >, <vickie.larkin@co.thurston.wa.us <mailto:vickie.larkin@co.thurston.wa.us> >, <sqifford@osd.wednet.edu <mailto:sgifford@osd.wednet.edu> >

My name is Jamie Farr I have three children in the Olympia School district kallisti allenson labyrinth allenson and serendipity allenson

To talk about how I feel the covid-19 pandemic has been handled with the Olympia School district and my disabled children

I took my kids out 2 weeks before school let out for covid I kept my kids out at home until I was told my only option was to unenroll my kids from the leap and hope programs and enroll online one of my kids was held back in preschool so he could enter the LEAP program in kindergarten and is now in the Hope program the other is in her last year of leap and will be heading into the Hope program next year it has been a long struggle and would be devastating to there mental health and growth as individuals with disabilities to lose out on the services provided to them by these programs the damage would be hard to overcome they have come so far thanks to the structure and support of the leap and hope teams without the progress that they have made I don't know how they would have found success to the level that they are now and I can't imagine them having their right to an education met or their IEP goals...

My oldest was unable to have his IEP met at all over the pandemic and I fought tooth and nail to get him more one-on-one zooms as I do not have the education to teach him and he couldn't understand what to do or keep up with the instruction he never did get those extra zoom classes while on the computer at home

In my opinion he has been failed by the school system largely because he has less behavioral issues and when I finally was able to hold him back the pandemic happened I tried unsuccessfully to hold him back from second grade and didn't succeed till 5th grade When I read the covid policy I was so upset I could see all the effort to keep people from being able to make an informed decision in order to get notified it had to be more than one kid within 6 ft of your kid not related or having ties outside of the school I'm sure that there's more to it that I'm not remembering and I can probably find the email somewhere but it seemed to me that they just didn't want to tell us what was going on No I don't expect names or identifying information of infected students but I would have liked to have had enough information to make an educated decision for the health and safety of my kids like how many in the district in my schools or in each grade I think that's more than reasonable?

If it was not such a threat then why all the circles?

In my opinion it comes down to money and control?

There is money involved in kids being in school their are jobs the district and government makes me feel like kids are just numbers and my kids numbers are statistically unimportant.

Individually there are people in the district that I know care very deeply for my children but on paper they are disposable .

I know this because I have had to fight so hard to get their needs met.

I can't get solid information on their safety.

There wellbeing is ignored when policies let sick kids come to school when all the teachers are made to get vaccinated.

When I have To choose my kids special education or their health.

When everyone knows the online programs fail my kids disabilities and the covid policies endanger them but act like I have a choice.

Like I don't have to legally send my kids to school.

Like me failing to address there disabilities isn't something I'd get in trouble for .

When I'm asked to send my kids to school because they have no symptoms but other people in my house do when I know they go to school with kids that's families are positive when I can tell you they are connected to positive families across four schools when the schools and school districts choose not to inform me that the covid policies have changed so I am unable to choose if I still want to or can take the risk. When the schools and the district know my kid has gastroenterology and weight issues and I'm nervous about the covid policies and feel unsafe already we are unimportant.

When The schools say it's Thurston county health department that makes the policies and Thurston county says it's Washington State and the federal government.

When the federal government says home test can give a false positives and people can be asymptomatic but they make policies that let others get sick.

Honestly every one of you is failing us because the federal government knows it will make people sick because the state of Washington chose not to step up and give more protections and so did Thurston county.

You all chose not to protect us knowing that we could get sick because we are not as valuable as the many that will not be affected.

At the beginning of the pandemic I asked my kids gastroenterology doctor for a note to take my kids out of school for my son's safety but they said it wasn't on the approved diagnosis list but now we know how involved the gut is with covid-19 not to mention my kid has low weight and can't afford to be sick if it can be avoided .

honestly I can't believe I have to justify why my kid shouldn't be put at risk of getting sick.

I believe no kid should be put at risk of getting sick intentionally and covid is not without risks even for healthy kids if it was me taking these risks with my kids I would be accused of neglect and possibly face criminal charges like the people that were throwing covid parties or intentionally getting people sick.

How is this any different you are knowingly exposing people and kids to covid?

Who makes the list that the doctors and schools get to follow?

Why did we drop masks?

I was told today by somebody at the Thurston county health department they have to make people politically happy like what !!!!! I thought you guys were supposed to keep kids safe.

Who controls the funding?

Who decided that IEPs and special education could take a back seat because of the pandemic?

Who was pushing for blanket protections for covid-related liabilities like they knew that people's rights were going to be violated but wanted to protect the people that were doing it instead of protecting the people before it happened?

Who has the responsibility to ensure Fair access to a safe healthy learning environment and adequate accommodation for disabilities and a right to education?

My kids lost their doctor because I didn't feel comfortable ridding four city buses to one half hour or hour appointment when it was not an emergency and I live across the street from the hospital and within walking distance of a walk-in clinic as soon as my kids went back to school and I felt I could not keep them from being exposed I called to make appointments to find their doctor had dropped them without me knowing. They told me to call back in a month to see if they were taking my insurance. I called back and they told me to call back in a month again to see if they were taking my insurance cuz they still weren't.

I called back again and they still were not taking my insurance and told me to call back in a month I decided I could no longer wait and decided to call other doctors but I couldn't find anybody to take them.

I couldn't find a doctor and it didn't seem like our old doctor was going to take us anytime soon.

My daughter's tooth started to hurt but you guys were talking about possibly closing the schools again so I waited 2 weeks and then I made an appointment for her to see the dentist. I went to my appointment to find out that they no longer would cover anesthetic for kids with adult teeth but my kids are disabled and cannot get their teeth worked on without being put under even the mask was traumatizing for the couple minutes that you had to wear it last time and she was biting and kicking and still remembers the smell.

Her dentist was no help and would not give me a referral or tell me how to get an accommodation for the insurance company to cover it for her disability luckily Roosevelt helped me find a dentist that would accommodate her disability and paid for her to go to Seattle children's to get a referral and her first visit. Unfortunately I still didn't have a doctor and she couldn't get checked for her anesthesia I was still calling and finally found someone that said that they would take her as long as I changed her insurance cards first. When the insurance company called them they told them they were not taking those ages anymore I was getting desperate and asked the insurance company to find me a doctor they called 117 doctors in the area they couldn't even find one they told me to call back in a couple days I did and they still hadn't found me a doctor in the meantime my son went to his dentist and also needed to go under anesthesia but I still didn't have a doctor. My insurance found me a doctor that was 36 miles away in University place I don't have my own transportation I tried to call paratransit and ran into problems. Luckily again thanks to Roosevelt they offered to pay the gas to those appointments in the meantime I called the healthcare authority and they told me if I found a different insurance company out of the five that found a doctor in this area I could switch by the 1st unfortunately I called all five insurance companies and no one could find me a doctor in the area. Wile I waited my daughter's teeth broke more. My daughter went to her appointment and got a waiver to go under anesthetic and was referred to an optometrist that I need to find.

The next day my son went to the doctor and he got a referral to go back to the GI that I asked for and a letter to go under sedation. The next day I got sick with covid and that Monday today my other son didn't get to go to his doctor's appointment.

My kids are 10 and 12 and might lose adult teeth because I cannot get the care for them through the health system right now in a timely fashion because of their disabilities and the pandemic.

We are sick right now because these policies failed to keep my children safe. Before I could get an appointment for their surgeries before I can get to an optometrist before we could get back to the gastroenterologist and my last kid could get their doctor's appointment and the shots that he needs we were sick.

i called The schools to tell them we had been exposed to covid and some of us had bad symptoms as well as I know families with kids in the same schools as my kids and also my neighbor girls that are my daughter's best friends family tested positive I was told to send my kids that didn't have symptoms to school even though we all know you can be asymptomatic and also home tests have been known to give a false negative and I told them we had not even been tested.

I immediately felt like the schools had failed us and this is why we are sick I'm very cautious and barely go anywhere to try to protect my kids to turn around and have you guys completely ignore the science that can keep them healthy.

I feel like these policies are why we are sick. why my kids IEPs have been violated. why I have had to pick between my children's health and their disabilities. It has interfered with their health as two of them cannot get their long-awaited surgeries

It is affecting my mental health because I feel I am not allowed to protect my kids and make sure all their needs are met and the schools and the government failed to let me do so.

I have called the schools and the school district and the Thurston county health department and the covid line at the Washington health department as well as Jay inslee and now all of you I hope you can see my family's struggle and reflect on how these policies and numbers affect real people with health and education as well as disabilities and mental well-being.

I want to thank you shaughnessy for offering to drop off some covid tests and offering to have n95 masks available for my daughter if I choose to have her return back to school. I honestly don't know if I want to send my kids back to the school district with the rules like this because I do not feel they are safe I've called my kids out for 2 weeks because I do not feel sending them back and making other people sick is something I can live with and I do not feel 5 days is going to be long enough to not get other people sick I do not want anybody else to go through what we are now going through.

please let me know how to fix this situation and hopefully we can find a way to meet my kids needs for health safety and education as well as disabilities they are not just statistics and their abilities don't change just because the laws do.

My words will change probably nothing to very little but I sincerely hope that at least it gives you guys something to think about signed Jamie Farr 360 451 8687

From: Amy Throop Sent: 4/19/2022 7:19:20 AM To: DOH WSBOH,DOH Secretary's Office Cc: Subject: Thank You for Listening to the Citizens of WA State

External Email

Dear BOH Members:

Thank you for listening to the concerns of us as citizens of Washington State and for voting to adopt the TAG's recommendation to not add the COVID-19 vaccine to Washington's list of required immunizations for child care and school entry at your April 13 virtual public meeting. We are confident that the emerging scientific data will continue to affirm your decision.

Thank you for your thoughtful consideration in your role to protect the health of the children in our State.

Respectfully

Amy Throop, Klickitat County

From: theresa percy Sent: 4/26/2022 10:09:50 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Request to postpone draft proposal - animal waste rule

External Email

I am writing to request a postponement of the draft proposal for animal waste from the JUne meeting until a committee of stakeholders can be formed to review the many concerns regarding: mixing livestock oversight with non-livestock, misunderstanding of stockpiling and composting manure, lack of uniformity of enforcement due to implementation by local health officers, and concern of complaint abuse by urban neighbors.

This is a critical issue which if not properly reviewed and address will a have hugh impact on animal ownership.

Thank you for your consideration,

Theresa Percy

From: richardmforde@aol.com Sent: 4/14/2022 12:23:11 PM To: DOH WSBOH Cc: Subject: Safe and Effective

External Email

To the Board:

The recent Pfizer data dump proves that the "safe and effective" mantra is a lie. As you may know, or may have ignored, there was an attempt to hide the Pfizer trial data for 75 years, but a court order recently released it, and the reports illustrate the deception and disconnect with real world data.

It has been known all along that the shots were not safe and effective. It does not help public trust to continue the lie.

Deanna Burlingame Eatonville

-----Original Message-----From: follow.it <inbox@follow30.com> To: richardmforde@aol.com Sent: Thu, Apr 14, 2022 10:07 am Subject: Informed Choice WA - new message

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Inisev Ltd., 11407 SW Amu St, Suite #AAM624, Tualatin, OR 97062, USA

From: Heather Harrison Sent: 6/2/2022 4:09:50 PM To: DOH WSBOH Cc: Subject: COVID Shots

External Email

I would like to make sure the board is aware that I am against mandating the Covid Shot for K-12 school! If this happens I will home school my children! The public school system is already losing lots of funds because enrollment in public schools is down! This will effect public schools enrollment and funding even more if Covid shots are mandated!! I would like to support agenda item 13 the citizen petition for rule making that is on agenda for June 8th meeting! Please pass this! Thank you,

Heather Harrison

Sent from my iPhone

From: Brigitta Jones Sent: 4/28/2022 9:17:50 PM To: DOH WSBOH,DOH Secretary's Office Cc: Subject: Thank You for Listening to the Citizens of WA State

### External Email

Dear BOH Members: Thank you for listening to the concerns of us as citizens of Washington State and for voting to adopt the TAG's recommendation to not add the COVID-19 vaccine to Washington's list of required immunizations for child care and school entry at your April 13 virtual public meeting. We are confident that the emerging scientific data will continue to affirm your decision. Thank you for your thoughtful consideration in your role to protect the health of the children in our State. respectfully, Brigitta Jones From: Davis, Michelle (SBOH) Sent: 5/2/2022 8:12:38 AM To: DOH WSBOH Cc: Subject: FW: Board Decision on Covid-19 vaccines

From: Janet Young <antiejan@gmail.com> Sent: Friday, April 29, 2022 11:40 AM To: Davis, Michelle (SBOH) <Michelle.Davis@sboh.wa.gov> Subject: Board Decision on Covid-19 vaccines

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely,

Janet M. Young

Maple Valley, WA

April 29, 2022

From: Butch Havens Sent: 4/28/2022 5:07:55 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: 48DB6D07-9A78-49DF-A42E-2D7AFD19D39C

External Email

From: Glasoe, Stuart D (SBOH) Sent: 5/27/2022 10:40:46 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: My Public Comments

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Dan DeGroot <skyridgefarms@hotmail.com> Sent: Thursday, May 26, 2022 12:26 PM To: DOH WSBOH <WSBOH@SBOH.WA.GOV> Subject: My Public Comments

External Email

This 'rule' was originally designed for "Keeping of Animals" in an urban setting. Facilities located in an agricultural zoned area should be exempt if there is a regular inspection of the facilities by one or more state or Federal agencies.

I have a dairy facility that is inspected by the Grade A Milk Inspector several times annually and includes inspection of manure and animal housing areas to ensure there is not excessive stockpiling of animal nutrients. I am inspected regularly by the Nutrient Management Inspector from the Washington State Dept of Agriculture. I maintain a Federal Confined Animal Feeding Operation (CAFO) Permit that is regulated by the EPA, the Washington Department of Ecology and the Washington Department of Agriculture. I had been involved with air quality plans and inspected by the Yakima Regional Clean Air Authority. I believe that I am well inspected and watched closely by both the State, Federal and Local governments.

Not providing exemption to those with regulated facilities in ag zoned areas will only cause confusion, to all those inspecting and being inspected, by adding another set of rules. This type of rule is being promoted by those who have a bias against dairies and animal agriculture. This is a broader topic that should not reside with the Local Health District.

Skyridge Farms

From: Jotform Sent: 5/5/2022 1:38:11 PM To: DOH WSBOH Cc: Subject: Re: Stop The Child Vaccine Mandate Petition - Barbara Hernacki

External Email

<https://cdn.jotfor.ms/assets/img/logo2021/jotform-logo.png>

Stop The Child Vaccine Mandate Petition

Name

Barbara Hernacki

Email

barbhernacki@comcast.net

Zip

, , , , 98052

You can edit this submission

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easily.

From: Joshua Allen Sent: 4/23/2022 1:06:09 PM To: DOH WSBOH Cc: Subject: Re: CR-103E Alert: Emergency Rule Adoption, Chapter 246-101 WAC – Notification and Reporting of COVID-19

#### External Email

You really are the most evil tyrannical form of oppression and discriminatory body across the board top to bottom. You must be aware of the situation by now and are flat out ignoring the facts. There will be a place for the evil agendas You have ushered in by not listening or care to concern, what over 20,000 physicians have stood against world wide. Unreported facts deaths and the increase of children ADE. Obviously, Have no worry to you. Must be pald off can be the only conclusion! For your crimes on these measures will be studied for generations to come. How can they get It so wrong ? The health board sly under peoples noses you are passing and changing laws for big Pharmas monopoly and you are massively corrupt. There are so many resources available outside the for profit CDC and FDA. Whom are both unreliable false retractable non science based oligarch selfish conclusions. So many examples of facts that dosen't matter the evidence I can provide but you are the rulers on matters here. Where I am a regular Joe researcher and citizen; No brainer for me to research want the truth then seek the truth. Can find the atrocities, crimes. Clear as day by the manufactures themselves, patents, the research studies flawed and haulted, plus the CEOs of these companies their own admissions of this lie you are holding on too! If I can find these facts review 100s of official documents released by the courts CDC and the WHO you are not professional at all to raise your own questions about the safety and effectiveness of the fake vax or as the SEC filings state from bio n tech and PHIZER, Moderna, JnJ, Aztrazenica they are gene therapies. These experimental applications have not only caused more deaths and ADE than the year prior with no vaccine availableThe CEO of Phlzer not even a MD he's a veterinarian. The science about the entire gambit of lies has so may layers that you must know you are dictating and murdering The people who's health you are n a position to protect. Get a Life retards snd leave ours alone you pricks !

Sent from my iPhone

On Apr 21, 2022, at 2:36 PM, DOH WSBOH <WSBOH@sboh.wa.gov> wrote:

### 

The Washington State Board of Health (Board) has adopted a seventh emergency rulemaking order to continue the requirements established in WAC 246-101-017 – Novel Coronavirus (SARS-CoV-2), Coronavirus Disease 2019 (COVID-19) Reporting. The emergency rule is effective April 20, 2022 and will be in effect for 120 days. The CR-103E announces the emergency rulemaking order, filed as WSR 22-09-082 (attached).

Health and Human Services

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\* Continues the designation of COVID-19, as a notifiable condition.

\* Continues the requirement for health care providers, health care facilities, laboratories, local health jurisdictions, and the Department of Agriculture to report certain demographic, testing, and other relevant data for each COVID-19 test. \*

Clarifies reporting requirements by test entity and test type:

Entities licensed to conduct moderate or high complexity testing must report all positive, negative, and inconclusive test results from all NAAT and antigen tests performed for COVID-19.

Entities licensed to conduct waived tests under a certificate of waiver must report positive test results from all waived tests, excluding antibody testing, for COVID-19.

The Board filed a CR-101, Preproposal Statement of Inquiry, on July 23, 2021 to integrate emergency rule requirements and provisions into permanent rule. More information can be found on the COVID-19 permanent rulemaking web page. <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Fnotifiable-">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Fnotifiable-</a> conditions-covid-19-permanent-

rule&data=05%7C01%7Cwsboh%40sboh.wa.gov%7C6c19185772404227b1e108da25649686%7C11d0e21

For more information on this emergency rule visit the Board's website <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2FRulemaking%2F%2Fsboh.wa.gov%2Fsboh.wa.go or contact notifiableconditions@sboh.wa.gov <mailto:notifiableconditions@sboh.wa.gov>

Thank you,

<image001.png>

Phone: (360) 236-4110

Mailing Address: P.O. Box 47990, Olympia, WA 98504-7990

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<WSR2209082-covidreporting-7thCR103E.pdf>

From: Alyssa Barton Sent: 5/2/2022 5:33:57 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: Keeping of Animals



attachments\491C5ACA96F44559\_Outlook-1483573618.jpg

attachments\0305C340C1CE4500\_SBOH comment letter final 5.2.22.pdf

External Email

Good evening:

Please see the attached from Puget Soundkeeper. Should you have any questions or concerns, please do not hesitate to reach out at 206-297-7002 ext 114.

Regards,

Alyssa Barton (she/her/hers) Policy Manager Puget Soundkeeper Alliance 130 Nickerson Street, Suite 107 Seattle, WA 98109 (206) 297-7002 x114 alyssa@pugetsoundkeeper.org <mailto:julie@pugetsoundkeeper.org> <mailto:julie@pugetsoundkeeper.org> www.pugetsoundkeeper.org <mailto:julie@pugetsoundkeeper.org> Mr. Stuart Glasoe Washington State Board of Health 111 Israel Rd. SE Tumwater, WA 98501 Via email to: <u>stuart.glasoe@sboh.wa.gov</u> Also submitted to: <u>WSBOHProposedAnimalWasteRule@sboh.wa.gov</u>

May 2, 2022

### Re: 2022 Draft Rule Revisions, WAC 246-203-130 Keeping of Animals

Dear Mr. Glasoe:

Puget Soundkeeper Alliance (Soundkeeper) is a 501(c)(3) non-profit environmental organization, with a mission to protect and enhance the waters of Puget Sound for the health and restoration of our aquatic ecosystems and the communities that depend on them. Founded in 1984, Soundkeeper was a founding member of the international Waterkeeper Alliance and today has more than 8,000 members, supporters and volunteers who use and enjoy Puget Sound's marine waters and freshwater tributaries, for commercial, general recreational and aesthetic purposes. At least 176 of our supporters are known to live in communities with permitted Concentrated Animal Feeding Operation (CAFO) facilities; hundreds more live in communities with unpermitted agricultural operations.

Our constituents, and thousands of residents throughout the State of Washington, are at risk due to the failure of our State's regulatory agencies to protect against the public health and environmental harms caused by the keeping of animals. The Board of Health has a unique authority and responsibility to "assure safe and reliable public drinking water and to protect the public health" (RCW 43.20.050 (2)(a)), as well as to "adopt rules and standards for prevention, control, and abatement of health hazards and nuisance related to the disposal of human and animal excreta and animal remains" (RCW 43.20.050 (2)(c)), and to "adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule." (RCW 43.20.050 (2)(f).

We oppose the Washington State Board of Board of Health's (hereinafter "the Board's") draft rule revisions to WAC 246-203-130 (the "Rule"). We oppose the narrowing of the title and scope of the Rule from "Keeping of Animals" to "Domestic Animal Waste" as we disagree with the premise that the Board's unique authority is best suited to local regulation of smaller-scale activities and practices around animal waste alone. We are also concerned that the proposed revisions dramatically weaken existing public health and nuisance protections; fail to set adequate minimum standards to protect the public health from various risks associated with the

keeping of animals; and completely disregard the real and existential public health threat of climate change – a threat that can be exacerbated by the keeping of animals and, in particular, by industrial farm operations – or the environmental justice implications of the Rule.

# 1) The Board's regulatory authority and responsibility extends beyond managing animal waste.

The original Rule, entitled "Keeping of Animals", was broader than the newly proposed title of "Domestic Animal Waste." In its Background and Policy Recommendations document,<sup>1</sup> ("Backgrounder") without sufficient explanation or supportive rationale, the Board recommends that "the rule should focus on practices involving the handling, storage, and disposal of livestock manure and other domestic animal waste generated on site (not off-site manure transport and use) that present a clear health, sanitation, or nuisance problem." (at 25). We disagree.

Keeping animals can produce dust, odors, haze, and noise; contribute to the spread of disease from both direct and indirect contact with animals and their waste; contaminate soils; contaminate drinking water, groundwater, and surface water; and contribute to climate change through the emissions of greenhouse gasses. These constitute public health hazards and nuisances. Air pollution, water pollution, drinking water contamination, disease, sickness, and disturbances caused by the keeping of animals results in diminished quality of health and life for those affected. The Board documents these risks and more over seven pages in its Backgrounder with more than 100 unique research articles on topics, but then fails to address most of these hazards in the draft revisions.

We object to the narrowing of the title to "Domestic Animal Waste", as an abdication of the Board's responsibility to protect the public health from the aforementioned health hazards and nuisances that may be unrelated to the management of animal waste alone. We also see no justification for excluding off-site manure transport and use from regulation, as the hazards and public health implications of animal waste do not simply disappear as it crosses a property line. We encourage the Board to leave the Rule title as-is, and to assess and regulate the health hazards and nuisance impacts of activities including but not limited to feeding, watering, housing, and transporting animals as well as their waste, to protect communities and public health.

# 2) The draft Rule revisions dramatically weaken or entirely removes existing public health and nuisance protections.

The Washington State legislature has directed the Board to regulate the storage of animal waste to protect human health. RCW 43.20.050 (2)(c)). The current Keeping of Animals rule reads as follows:

WAC 246-203-130 Keeping of animals.

<sup>&</sup>lt;sup>1</sup> Keeping of Animals Background and Policy Recommendations of the Washington State Board of Health

- (1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.
- (2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.
- (3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

The draft revisions strike all of this language. In so doing, the Board proposes to dramatically scale back current requirements by:

- eliminating broad public protections against nuisances caused by the keeping or sheltering of animals (current section 1) and replacing them with protections limited to animal waste (draft section 1)
- eliminating strong stable waste collection, storage, and removal requirements (current section 2) and replacing them with vague and poorly defined requirements to collect animal waste containment areas (draft section 3a)
- striking strong and broad public health protections for drinking water (current section 3),

We object to the elimination of language in current sections 1-3 of the Rule. Rather than backsliding, the Board should build on these foundational protections, implementing clear minimum standards to ensure the intent of these protections is assured in light of modern-day animal-keeping practices and the extensive data on the nature and scope of the problems it causes - as documented in the Board's Backgrounder.

### 3) The draft revisions lack strong minimum standards to protect the public health.

The Board should build on the existing regulations to create stronger minimum standards to protect the public health and prevent nuisances. For example, the Board could keep existing sections 1 and 3 intact and expand section 2 to:

- articulate a more frequent waste removal requirement during the rainy season between October to April
- include all manure (not just "stable" manure, but any manure on any part of the premises)
- expand beyond "populous districts" to all districts, including "isolated premises"

Rural communities can be equally if not more susceptible to the public health risks posed by the keeping of animals.

The draft revisions lay out several requirements for livestock waste stockpiling in a new section (3(d)) excluding waste that is being composted and waste being stored in a lagoon. First, should the Board modify the existing Rule to authorize livestock waste stockpiling when the number of animals or quantity of waste renders it infeasible to cover and store the waste in an airtight container prior to removal (factory farms were likely not envisioned when the original Rule was promulgated in 1936), the Board should articulate which types of livestock operations are authorized to stockpile waste (how many animals, what size footprint, or how much waste?) and which types should continue the practice of keeping the waste in covered, airtight containers with requirements to periodically dispose of the waste.

Second, the Board should outline clear, science-based and appropriately tailored standards for the management of livestock waste by different operations that stockpile waste, adjusted to account for the size and type of operation (cattle, chicken, horse, etc.), the type of waste (liquid vs. solid), and site conditions (slope, soil-type, vegetation type and density, underground geology, hydrological features, etc.). A mature milk cow produces over 120 pounds of liquid feces and urine every day, whereas a horse produces 50 pounds of solid manure a day. The differences in consistency, chemical content, and quantity compounds with each additional animal, which surely necessitates different levels of protections for the public health.

Third, we are aware of no scientific basis why waste being composted or stored in a lagoon shouldn't also be managed as stringently – if not more stringently – than other stockpiles of waste. In fact, liquid manure being stored in a lagoon likely requires far more protections for the public health (greater setbacks from water sources, requirements to be stored in areas with a higher groundwater table, etc.). It is well known that lagoons leak.



image of manure lagoon



image of manure gun © USGS

The practices of storing excess livestock manure in large manure lagoons; transferring or selling livestock manure to third parties for use as fertilizer; and applying manure to fields as fertilizer (by both animal keepers and third parties – and often with a large "gun" or cannon that shoots the liquid waste over fields in a vast spray) are three modern practices that harm the public health and have harmed drinking water in Washington. The Board has failed to address these practices whatsoever, despite its clear regulatory mandate and authority to protect public drinking water. The Board should issue a new draft Rule outlining requirements to protect the public health from these three practices, which pose real and dangerous consequence to our public drinking water supplies – as well as air quality.

Finally, airborne disease, dust and odors from the keeping of animals also pose public health hazards and nuisance risks that are not sufficiently covered in the draft revisions. Other than setbacks from certain water sources and a requirement to store stockpiled waste so as to control odors and attraction of flies, rodents, and other vectors," (presumably, disease vectors?) the draft revision lacks any clear standards or requirements to protect the public from dust, disease, or odors, which may emanate from livestock themselves or from feeding or other areas. The Board should include requirements to control dust and odors from other areas of farm operations that pose a risk to public health.

## 4) The Board should consider climate impacts to public health from the keeping of animals, and the environmental justice impacts of the draft revisions.

Board mentions climate change in its Backgrounder just once, and not again. A deeper assessment of the climate impacts caused by the keeping of animals in Washington is both necessary and appropriate. The U.S. Environmental Protection Agency (EPA) estimated that agriculture contributed 11% of the United States' greenhouse gas (GhG) emissions in 2020<sup>2</sup>; the Washington State Department of Ecology attributed 15% of Washington's GhG emissions in 2017 to agriculture, industry, landfills, and fossil fuel production.<sup>3</sup> Climate change has already resulted in more frequent and intense droughts, wildfires, dust storms, erosion, and floods in Washington; reduced glacial snowpack feeding our rivers and streams; acidification of the ocean and Puget Sound, and sea level rise threatens our coasts, wetlands and aquifers.

The Board is in a unique position to address the impacts of climate change on public health for the first time since the Rule was last substantively revised in 1936. With rule revisions coming so infrequently, now is the time to consider how the keeping of animals could – and must - be better managed to prevent or reduce climate impacts to communities throughout the State of Washington, consistent with Washington State's commitment to reducing GhG emissions to 45% below 1990 levels by 2030, 70% below 1990 levels by 2040, and 95% below 1990 levels and net zero emissions by 2050.

It is well known that the impacts of climate change hit communities of color and low-income communities first and hardest. While the Board of Health is not listed as one of the seven agencies required to comply with the <u>HEAL Act</u>; the Departments of Health, Agriculture and Ecology are. We encourage the Board of Health to coordinate with these sister organizations and opt in under the HEAL Act. Because of the strong environmental justice considerations implicated for rural and frontline communities by this Rule and any revisions to it, we also strongly urge the Board to conduct deeper community outreach and engagement around proposed Rule revisions with those whose health, lives, and families are most at risk from the Board's decision-making.

### 5) Additional concerns:

The Board should not limit "nuisance" to acts or omissions that harm, endanger, or interfere with the health or safety of another person. Such a definition is restrictively narrow and not reflective of current nuisance law. RCW 7.48 defines an actionable nuisance to include: "an obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of the life and property, is a nuisance and the subject of an action for damages and other and further relief." We support the adoption of this definition within the Keeping of Animals rule.

We support the inclusion of a section regarding enforcement. The Rule is and should be enforceable, and language should be added to articulate when enforcement will occur. The public

<sup>&</sup>lt;sup>2</sup> Sources of Greenhouse Gas Emissions | US EPA

<sup>&</sup>lt;sup>3</sup> Improving air quality & public health - Washington State Department of Ecology

deserves concrete assurance that documented nuisances and public health hazards will be abated within a certain amount of time.

While we do not agree with all recommendations outlined in the Backgrounder, we do agree with the recommendation to develop a practical, purposeful rule, by "defining the type and scale of regulated activities; steps and standards defining and documenting health hazards and nuisance; technical standards and practices to prevent and remedy problems; technical assistance and referral procedures; methods for property access, compliance, and enforcement." We feel the current draft revisions fall short.

Thank you for accepting and considering these comments. We hope that the Board adopts our suggestions to improve upon the draft revision and better protect public health in Washington. We look forward to working with you.

Sincerely,

Alyssa Barton Policy Manager Puget Soundkeeper Alliance From: Karenlee@fairpoint.net Sent: 5/1/2022 10:35:42 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Private Animal Waste - Horses

#### External Email

As a horse owner, I am concerned about restrictions imposed by the Board of Health on animal waste. We are responsible horse owners who have 4 horses at our home of 6 acres in Snohomish. We bought a \$7700 Big Tex dump trailer to haul our manure out. Waste Management quoted a very high price for providing a bin to be kept at our property. Our manure pile has been at the same location since the 80s and is surrounded by neighboring pastures. But at some point those properties may be sold and contractors have been allowed to build nearly to the lot lines.

Horses bring money to the state, especially in populated areas. People with money choose to live near rustic areas where trees and horses can be found. Those people look for good hospitals, good roads, good security and spend money at the local level. They also own businesses that improve the local economy and employ people. I saw this in Southern California where there were pockets of horse ownership by the wealthy, and how it improved the surrounding middle class areas.

I need you to give careful consideration to avoid outlawing the ownership of horses by making restrictive ordinances where there are few complaints. I need you to craft rules that prevent contractors from building right up to a long existing manure pile, like you would for a large facility like a racetrack.

Please postpone the implementing of your draft proposal and allow a work/task force of stakeholders to convene and sort out concerns. The State of Washington is a great place to own a horse, and more and more, it is getting more expensive. Your ordinances could make it very expensive to own a horse.

Karen Lee

From: Teresa Crossley Sent: 4/27/2022 7:22:49 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Livestock waste proposal

External Email

Dear Sir/ Madame,

The proposal concerning livestock manure is missing several important points of reason and enforcement. I won't address them all here but rather I will speak to some concerns I personally have.

As a horse owner, manure is removed from pasture on a regular schedule and collected in roll-offs and later transported to a composting facility. All horses owners I know, do pretty much the same thing with manure from their ranch. A few compost on site.

Horses eat grass and seed (grain). That's all. No meat or meat byproducts. Their manure is not rife with the nasty germs which cause contamination to local waters from runoff. (Even if I did not practice the removal of manure from pasture it would not create an illness causing situation.)

Removal of manure from livestock trails or paved woodland trails is primarily a safety concern. Riders cannot carry a rake and bag with them. How on earth would something so cumbersome be safely attached to a horse? Flapping bags and side-banging rakes are just the ticket for an ambulance ride to hospital!!

Most trail riders really try and move their horses off to the side of ODT, but there is most commonly no dirt side or too narrow side area to be found!! Short sighted planning. This problem can be rectified by clearing a 6-8 foot wide path alongside the paved trail. Horses prefer walking on dirt to asphalt anyway. Not only is horse manure broken down and partially consumed by birds within a few days but it also does not contaminate, as previously stated.

Please don't make any decision with out full consideration! Establish a bipartisan comittee/ panel to include livestock owners for knowledgeable discussion of this subject.

Sincerely, Teresa Crossley

Sent from the all new AOL app for Android <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fplay.google.com%2Fstore%2Fapp

From: Glasoe, Stuart D (SBOH) Sent: 4/26/2022 11:28:42 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: WA Farm Bureau comments on BOH rulemaking - WAC 246-203-130 and SBEIS

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attachments\17E659F81C5F43AA\_image002.png

*attachments*\CAA663693D35466E\_WA Farm Bureau comment letter to\_PRDTOOL\_NAMETOOLONG.pdf

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Tom Davis <tdavis@wsfb.com>
Sent: Tuesday, April 26, 2022 11:04 AM
To: DOH WSBOH Proposed Animal Waste Rule
<WSBOHProposedAnimalWasteRule@sboh.wa.gov>
Cc: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov>; Grellner, Keith (DOHi)
<Keith.Grellner@kitsappublichealth.org>; Davis, Michelle (SBOH)
<Michelle.Davis@sboh.wa.gov>; Warnick, Judy <judith.warnick@leg.wa.gov>; Short,
Shelly <shelly.short@leg.wa.gov>; Dent, Tom <tom.dent@leg.wa.gov>; Schmick, Joe
<joe.schmick@leg.wa.gov>
Subject: WA Farm Bureau comments on BOH rulemaking - WAC 246-203-130 and SBEIS

External Email

Please find attached the WA Farm Bureau's comments regarding the Board of Health's proposed rulemaking related to WAC 246-203-130 and the SBEIS.

Sincerely,

Tom Davis

Director of Government Relations

Ensuring that our family farms continue to feed the world

"The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created..."

RCW 42.56.030

# **WASHINGTON FARM BUREAU**

- To: Washington State Board of Health
- Date: April 26, 2022
- RE: Proposed rulemaking: WAC 246-203-130 Domestic Animal Waste

Dear Members of the Board of Health,

The Washington Farm Bureau is the state's largest general agricultural organization representing more than 47,000 member families statewide. We are a voluntary, grassroots advocacy organization representing the social and economic interests of farm and ranch families at the local, state and national levels. That is why Washington Farm Bureau is called the voice of agriculture.

In July 2019 we provided written comments expressing the serious concerns we had with staffgenerated amendments to WAC 246-203-130 related to animal waste. We found the amendatory language was too broad, exceeded the scope outlined in the originating CR-101, created opportunities for frivolous and expensive lawsuits, duplicated existing state and federal laws addressing manure management on ranches and dairies, impacted the protections provided to our farmers under the state's Right to Farm laws and created create an unfunded mandate on local governments.

The March 2022 version of the draft rule represents an improvement over earlier drafts, but still has internal problems that need to be addressed if the rule is to be eventually approved.

Here are the remaining areas of concern:

#### • Expands authority of LHO beyond provided statutory authorities.

- In subsection (1) of the proposed rule it states, "The purpose of this section is to establish standards for the prevention, control, and abatement of <u>health hazards and nuisance</u> <u>detrimental to human health related to the disposal of domestic animal waste</u>..." (emphasis added). The proposed rule also states in (2)(g) that ""Nuisance" includes an act of omission that harms, endangers, or interferes with the <u>health or safety</u> of another person." (emphasis added). The inclusion of "safety" in this definition seeks to broaden the authority of local health officers far beyond what is provided in state law. Laws for worker safety are found in the authorizing statutes for Department of Labor & Industries.
- Wrong WAC cited for livestock manure management.
  - In subsection (3)(d)(i) it states that domestic animal waste from livestock that is collected and stockpiled for later use or disposal must be stored in a manner that controls odors and attraction of flies, rodents, and other vectors. In the "Significant Legislative Rule Analysis" presented to the BOH dated March 1, 2022, it states on page 3 under "Rationale for Determination" the following: "This standard incorporates by reference, without material

change, standards/rules of another Washington state agency. It incorporates requirements of the state solid waste rules, chapter 173-350 WAC, including WAC 173-350-320(6) regulating agricultural waste piles."

However, subsection (6) of WAC 173-35-320 is the wrong subsection since it is for "Piles used for storage or treatment – Permit requirements." In this section it does require the operator to ensure the facility is operated in a way as to control nuisance odors, as well as litter, dust, rodents, insects, etc. <u>However</u>, <u>subsection (6)</u> is the wrong section to cite since it addresses permitted activities. Agricultural wastes are addressed in subsection (2) under the title "Piles used for storage or treatment – Permit exemptions." This section includes the following language: "In accordance with RCW 70.95.305, facilities managing solid wastes in piles meeting the conditions listed in <u>Table 320-A</u> and the conditions of (a) of this subsection <u>are exempt from solid waste handling permitting</u>." (emphasis added). Table 320-A includes "Agricultural waste and on-farm vegetative wastes stored on farms." More importantly, subsection (2)(a)(ii) states that farms must "Manage the operation to prevent fugitive dust and the attraction of vectors..." WAC 173-350-100 further clarifies that subsection (2) is the appropriate language by defining agricultural waste to include livestock manure.

Please note that WAC 173-35-100 (2) does not include any requirement for odor control. Therefore, the addition of the requirement to control odor in your proposed rule has no legal or statutory standing and must be removed.

#### Violates the state's Right to Farm law.

The Washington State Right to Farm law states in RCW 7.48.305 that "agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance <u>unless the activity or practice has a substantial adverse effect on public health and safety</u>." (emphasis added). The proposed rule before you has no qualifying language such as this. Rather it provides a broad requirement the stored waste must be managed to control odors, whether a public health issue has been determined to exist. Is the premise behind the proposed rule that any and all odors present a public health risk? In addition, nothing in your documentation cites any scientific research, or state and federal laws to substantiate this expansion of authority. Please also note that RCW 7.48.310, also part of the Right to Farm law, includes odors as a normal, acceptable condition related to agricultural activities.

#### Additional specificity required

 In subsection (4), the proposed rule states that "Before taking enforcement action the local health officer <u>must attempt</u> to communicate with the person who may be in violation of this section in order to explore the facts and, if the local health officer determines that a violation has occurred, <u>allow the person reasonable time</u> to correct the violation." (emphasis added). We appreciate this language to allow for a conversation and the ability for additional information to be collected before enforcement action is taken. However, we are concerned that there are no details or specifics for what constitutes an "attempt to communicate" or what is a "reasonable time" to correct the violation. Additional specifics are needed to provide the required transparency for the overall process that will be used, and to increase justice and equity by ensuring all citizens are treated equally and that the rule is implemented in a uniform manner statewide.

#### • Pasture livestock and Free-range grazing

- Earlier versions of the proposed changes to WAC 246-203-130 excluded both "pasture livestock" and "free-range grazing" from the requirements of this rule. The March 2022 version no longer specifically excludes pasture livestock. By what principles, proven health concerns, or medical or scientific findings did you justify the removal of pasture livestock from this exemption?
- For the purposes of this proposed rule, what do these two terms mean and what are the specifics or definitions that a LHO will use to determine whether livestock in a pasture fall into either of these two categories. Please note, that in general livestock producers do not use these terms. I encourage you to do a Google search for "free range grazing" and you will find pictures or written descriptions of pasture livestock. Free-range grazing is more popularly used as a synonym for organically raised rather than a rangeland management practice.

#### Inaccurate Small Business Economic Impact Statement

The data used to validate the SBEIS is woefully inadequate. Of the 1000 businesses identified to receive the cost survey, only 41 or 4.1 percent of the recipients responded. Worse yet, the USDA National Agricultural Statistics Service (NASS) has identified 12,656 farms in Washington that raise cattle or pigs. That means the BOH reached out to less than 8 percent of just the cattle and pig producers in the state identified by NASS. This does not even include farms that raise other types of livestock. This is clearly not enough data to adequately quantify the potential impacts of this proposed rule.

Given these serious issues, both technical and policy based, we request that the Board delay action on this proposed rule and create a work group with key stakeholders to help address the many problems that we and others have raised.

Sincerely,

Tom Davis Government Relations Director From: william sawaya Sent: 4/21/2022 1:32:16 AM To: DOH WSBOH,DOH Secretary's Office Cc: Subject: Thank You for Listening to the Citizens of WA State

External Email

Dear BOH Members: Thank you for listening to the concerns of us as citizens of Washington State and for voting to adopt the TAG's recommendation to not add the COVID-19 vaccine to Washington's list of required immunizations for child care and school entry at your April 13 virtual public meeting. We are confident that the emerging scientific data will continue to affirm your decision. Thank you for your thoughtful consideration in your role to protect the health of the children in our State. respectfully, From: Glasoe, Stuart D (SBOH) Sent: 3/30/2022 11:27:14 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Keeping of Animals (WAC 246-203-130) proposed rule comment

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: DOH WSBOH <WSBOH@SBOH.WA.GOV> Sent: Wednesday, March 30, 2022 8:45 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: FW: Keeping of Animals (WAC 246-203-130) proposed rule comment

Hi Stuart,

I let the customer below know that the email has been fixed, however I am forwarding this comment to you in case they decide not to email the animal waste inbox again.

Nathan Thai

Communications Consultant

Washington State Board of Health

Nathaniel.Thai@sboh.wa.gov <mailto:Nathaniel.Thai@sboh.wa.gov>

360-463-8928

Website

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2F&data=04%7C01 , Facebook

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FWASBOH8, Twitter

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0</a>

From: Emmett Wild <emmett@skagitcd.org <mailto:emmett@skagitcd.org> > Sent: Tuesday, March 29, 2022 8:54 AM To: DOH WSBOH <WSBOH@SBOH.WA.GOV <mailto:WSBOH@SBOH.WA.GOV> > Subject: Keeping of Animals (WAC 246-203-130) proposed rule comment

#### External Email

I have tried to email my comments regarding the proposed rule change to the Keeping of Animals WAC but the email address listed on the DOH website

(WSBOHProposedAnimalWasteRule@sboh.wa.gov

<mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov> ) keeps bouncing back as undeliverable. Please forward the below comments to the appropriate place and update the link on the DOH website.

I have several concerns about the proposed Keeping of Animals rule.

First, I am concerned that the term Nuisance is used as a regulatory metric when considering livestock waste. A nuisance is subject to an individual's personal thoughts or feelings, and as defined, is loose enough to continue to include personal preferences of community members to be used as the basis for a regulatory action. Complaints from people new to an agricultural area and/or by people with little knowledge or understanding of livestock management practices and stewardship consume immense amounts of public resources and agricultural producer time, often to investigate standard operating practices or legal manure applications as part of a cropland fertility management program.

Second, the use of a public health officer to investigate complaints creates unnecessary and potentially deleterious redundancies in the regulatory oversight framework for livestock producers. Agencies such as the Washington State Department of Agriculture's Dairy Nutrient Management Program have a robust dairy inspection and complaint response process, and Washington State Department of Ecology has many regional inspectors for non-point areas with a potential to discharge. Creating another office/agency from which manure management is to be regulated/supervised is redundant and risks hard-built working relationships between agricultural producers and existing regulators. It is not appropriate for a licensed physician to be investigating or enforcing land management and animal husbandry activities, as they lack the technical knowledge of these operations, the academic background, and the professional experience to fairly and reasonably execute WAC 246-203-130. The proposed rule should make clear that investigation and enforcement of livestock related complaints should be remanded to those more experienced and appropriate entities within the existing regulatory oversight system.

Finally, rather than leave investigation to a singular public health officer or their delegate, a coordinated team of regulators and professional resource planners should assess the situation in question and provide a specific prescription to address the pollution risk. This will help to maintain existing working relationships with the person being investigated and ensure a standard and cohesive approach is taken to investigations. While individual health officers may come and go, the structure of a team and the inclusion of input from professional resource planners, will ensure equity and continuity in regulatory processes. Further, resource planners are trained to identify multiple viable alternative practices when working with a land manager, creating a more flexible, achievable, and success result.

Regards,

Emmett Wild

From: Kerri Stoehr Sent: 4/29/2022 5:16:16 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: proposed policy for the Keeping of Animals.

External Email

I am asking you to postpone the draft proposal from June's hearing. Please allow a work group or task force to convene and sort out all of the concerns

Thank you Kerri Stoehr From: Garry Blankenship Sent: 4/15/2022 11:26:41 AM To: hcinfo.infosc@canada.ca,DOH WSBOH Cc: Subject: Proof of Vaccination Use

External Email

Good Day,

The current majority of COVID cases are among those injected with mRNA drugs. Further, that same group has "vaccine" compromised immune systems. I request the "vaccinated" be isolated, travel restricted and censored from public venues like restaurants, bars and large gathering events. Please advise me of progress to that end.

Sincerely,

Garry Blankenship

From: Samantha Janes Sent: 3/31/2022 10:00:16 AM To: DOH WSBOH Proposed Animal Waste Rule,Glasoe, Stuart D (SBOH) Cc: Subject: Comments WAC 246-203-103

External Email

To whom it may concern,

I recognize the Board of Health is an integral part of the governing process that keeps residents safe and protected from issues of which they may or may not be aware. It is with this in mind, I implore you to focus on matters that are not addressed by other government departments.

In regards to the proposed WAC 246-203-103, Domestic Animal Waste, it is in the best interest to the residents of the State of Washington that the Department of Agriculture and Department of Ecology are allowed to manage manure issues under their existing management plans without unnecessary conflict as your proposed WAC ruling will do.

Property owners are already subject to federal and state laws that regulate how commercial agriculture manure is managed. The proposed rules attempt to cover too broad of a range of animals. Placing new rulings across the board are unnecessary, unwise and impractical and have the potential of detrimentally affecting landowner's rights, pursuit of happiness and income.

Sincerely,

Samantha Janes

Samantha Janes 360-865-0949 cell

Owner, Paradise Love & Veggies www.paradiseloveveggies.com <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.paradiseloveveggies.com%2F From: Kathy Russo Sent: 4/26/2022 5:40:18 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste

External Email

I respectfully request that the draft proposal from June's hearing be postponed. There are numerous concerns which should be addressed with all those who are affected by our current laws as well as these new proposals. Kathy Russo

From: Cinzia Wong Sent: 4/28/2022 2:12:33 PM To: DOH WSBOH Cc: Subject: Free Medicare Covid test kids

External Email

To Whom it may concern

My husband and I attempted to obtain our free Covid tests kits since April when we were notified by Medicare that we were eligible to receive them. We called several pharmacies in Vancouver, Washington and are running into nothing but obstacles. My sister on the other hand who lives in NYC is not having any problems in securing her Covid test kits or covid medication after she contracted Covid. She walked into a pharmacy and got them. She was in and out in ten minutes.

We called CVS and Rite Aide. They didn't seem to have a billing process in place. We also went into Walmart on Highway 99 when they informed us billing would not go through to Medicare. CVS said they didn't have any kits. Today we called Walgreens on NE 139th Street and were immediately discouraged from getting the test kits. We were immediately told by the pharmacy manager (a non pharmacist) that we would have to wait an hour and a half and should go into the store and not the drive through (we ere hoping to minimize our risk by not having to go into the store). And when we were eligible to receive masks we had the same problem with this Walgreens when they informed us they weren't participating and did not have any masks. do not

I hope I am wrong but wonder if pharmacies would rather sell the kits off the shelf instead of bill Medicare? Maybe this is easier.? Pharmacies in Vancouver WA doesn't seem to have a process in place for dispensing the Covid kits to the public as promised by Medicare care. As I understand it, the idea was the eliminate barriers so people could get tested. Based on our experience in securing free masks and the covid test kits, I have no faith in ever receiving antiviral covid medication in the event my husband and I qualify for and would need them.

We are totally disappointed and frustrated.

Cynthia Wong RN Charles Wong MD From: Joan Fleming Sent: 4/26/2022 11:48:51 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed BOH Animal Waste Rule Comment

#### External Email

I am a homeowner on 5 acres just north of Rochester and have my horse on this property. I am also a member of Back Country Horsemen of Washington (BCHW) with whom your staff has met and otherwise communicated with along with Legislative representation and other interested organizations such as WA Cattlemen's Assoc., Farm Bureau, and likely others.

I agree with the concerns of BCHW such as mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officers) and more.

I compost my horse's manure and share the composted product with my neighbors for their garden as well as spreading it on my pastures twice a year. I am not adjacent to any streams, rivers, ponds, lakes, etc. The rule does not clearly allow composting and spreading livestock manure. Livestock are herbivores. Their manure does not have the pathogens that are present in carnivores such as dogs and cats. If this rule does not clearly state that the composting and spreading of livestock manure is allowed, it will be up to local health officers to make this judgment which will likely be different from jurisdiction to jurisdiction. If I will be required to annually remove my horse's manure, the cost will be prohibitive.

I, also, would ask that the BOH delay the Draft Policy proposal in June and that a work group/task force is formed to vet out these concerns.

Thank you for your consideration.

Joan Fleming Rochester, WA 360-273-8266 From: Sue Davis Sent: 5/2/2022 10:58:24 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comments on Proposed Domestic Animal Waste Rule

101 attachments\2FFB3582C2784CD2\_CommentstoWBOH.docx.pdf

External Email

Dear Washington Board of Health,

Please find attached my comments on the Proposed Domestic Animal Waste Rule WAC 246-203-130, submitted for your consideration.

Thank you.

Sue Davis

#### May 2, 2022

Subject: Comments on Proposed Animal Waste Rule, WAC 246-203-130

Dear Washington Board of Health,

The proposed domestic animal waste rule is unnecessary and redundant. Additionally, as written, it has the potential to impact operations that are not creating a nuisance or public health hazard and expose them to complaints and enforcement by people unfamiliar with agriculture operations and best management practices.

Washington State already has the authority to investigate and remediate water pollution through WAC 90.48. Under this WAC Department of Ecology has "...the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington." Under WAC 173-201A, Department of Ecology has the authority to set water quality standards and take actions to prevent degradation.

RCW 90.72 Shellfish Protection Districts gives counties the authority to create shellfish protection districts and programs to address water pollution where water pollution threatens the water quality of shellfish growing areas. RCW 90.72 states, "This program shall include any elements deemed appropriate to deal with the nonpoint pollution threatening water quality over shellfish tidelands, including, but not limited to, requiring the elimination or decrease of contaminants in stormwater runoff, establishing monitoring, inspection, and repair elements to ensure that on-site sewage systems are adequately maintained and working properly, assuring that animal grazing and manure management practices are consistent with best management practices (*emphasis added*), and establishing educational and public involvement programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution."

Under RCW 70.05 individual counties already have the authority to adopt rules to address public health issues within their jurisdictions. The health officer has the power to, among others, take action to maintain health and sanitation supervision over the territory within his or her jurisdiction and prevent, control or abate nuisances which are detrimental to the public health which is the stated purpose of the proposed rule.

Finally, USDA Natural Resources Conservation Service has established best management practices (BMPs) for all aspects of agriculture, including livestock keeping and manure management. They and the local Conservation Districts across the state have education and financial programs to help land owners and livestock owners implement best management practices. The proposed rule as written does not mention or consider BMP's and has the potential to impact operations that are not creating a nuisance or public health hazard and those that are already using BMP's advocated by the expert agricultural agencies.

I urge you to postpone the draft proposal from the June hearing, and form a work group/task force of stakeholders and agriculture experts to consider the issue and concerns.

Thank you.

Susan Davis Thurston County Resident and Livestock Owner

From: Azatullah Mayar Sent: 6/1/2022 9:28:12 PM To: DOH WSBOH Cc: Subject: My Public Comments

External Email

Azatullahmayar22@g.com <mailto:Azatullahmayar22@g.com>

From: Glasoe, Stuart D (SBOH) Sent: 3/30/2022 11:39:45 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Animal Keeping rule

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Jean Gulden <jeangulden@gmail.com> Sent: Monday, March 28, 2022 8:10 PM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: Animal Keeping rule

External Email

Dear Sir,

Though there are about 250,000 horses alone in Washington state, for this proposed rule, a bare1,000 surveys were mailed out to include all livestock and domestic facilities affected by the proposed law.

About .4%, yes, less than 1/2 of one percent, of those surveys were received back, only a small handful of which filled out any financial information. The conclusions drawn were that it must be fine and no cost because such a minute number filled in the financial information. I believe it is possible most did not return or did not complete these surveys because they have no idea how much such a rule would cost or the barest idea how it would be implemented. So in fact, there is no adequate 'cost analysis'.

Is such a rule even needed? Have we had public water or well contamination from livestock or pets? Has it caused any harm to humans? If a rule has worked for 100 years do we really need to change it? The rule gives no reason for updating other than its age - no reports, no studies, no contaminations on a measurable scale, no current known health risk, no discussion of what diseases could or could not cross over. (As a non-water related practical example: Did you know lice are species specific so you can't 'catch' mange from a goat or horse or cow? I bet not.) Zero 'cost benefit' has been scientifically determined - though I am sure lawyers will make money.

Do we have staff to fairly and consistently handle this new rule? Is there training for this staff in various types of animal keeping? manure handling? fly control via fly predators and feed through? common and acceptable practices? composting rates? disease risk or lack thereof?

The potential for abuse of such a rule by ignorant, untrained health department workers spurred on by one neighbor or greedy developer in an entire area is HUGE.

This rule lacks any demonstrated need and fails to show how it might benefit our health or our water supply.

Jean Gulden

jeangulden@gmail.com <mailto:jeangulden@gmail.com>

#### 509-499-2670

"Let love and faithfulness never leave you; bind them around your neck, write them on the tablet of your heart. Then you will win favor and a good name in the sight of God and man."

CONFIDENTIALITY NOTICE: This message (and any attachment to it) is intended only for the use of the individual or entity to which it is addressed in the header, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any reproduction, distribution, modification or use of the contents of this message (and any attachment to it) by any individual or entity other than the intended recipient is prohibited. If you have received this communication in error, please notify us immediately and delete the original. From: Nancy the Soul Dancer Sent: 5/12/2022 1:12:25 PM To: DOH WSBOH Cc: Subject: Global Covid Summit live today 5-12-22

External Email

https://rumble.com/v14hkjj-episode-267-the-real-global-covid-summit.html

From: jjyy@earthlink.net Sent: 4/30/2022 2:33:29 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: postpone the draft proposa

#### External Email

Please postpone the draft proposal from June's hearing. We suggested they allow a work group/task force of stakeholders to convene and sort out the concerns.

From: Pskowski, Samantha L (SBOH) Sent: 4/29/2022 11:36:00 AM To: DOH WSBOH Cc: Subject: FW: Board Decision on Covid-19 vaccine

---

Samantha Pskowski (she/her/hers)

Washington State Board of Health

360-789-2358

From: Janet Young <antiejan@gmail.com> Sent: Friday, April 29, 2022 11:35 AM To: Pskowski, Samantha L (SBOH) <samantha.pskowski@sboh.wa.gov> Subject: Board Decision on Covid-19 vaccine

External Email

After listening to all of the Board and TAG meetings, I am pleased with the thorough consideration of the need or not to vaccinate children in our state for Covid-19. I appreciate all of the time each member had to spend in their decision making.

I am very appreciative of the Board's decision not to recommend mandatory Covid-19 vaccination for Washington's school children. This is a very serious subject that parents need to ponder and make a decision for their own children. We do not know the long-term effects of this vaccine in children.

Sincerely,

Janet M. Young

Maple Valley, WA

April 29, 2022

From: Scott Wiggins Sent: 4/27/2022 9:26:38 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste

#### External Email

The short answer is that landowners are by far better custodians of thier property than any gov agency that has been proven over and over. As you come from your condo city life to legislate over landowners...remember your fact base is limited to fanatics that point to one or two examples an you mess with the 99.9% of folks that take care of this all the time and have for decades....we don't need or want your "help" unless you have a shovel. A better example is we have 4 horses and according to the county college folks we after 10years we should be under 8',of manure...the common sense truth is that every spring we drag a section of fencing over the pasture and it's gone and it enriches the soil...after all horse and cow manure is just digested grass.. that's it....pretty sure your targeting Seattle type stables and in your zest to have your name on a bill....miss legislate for the whole state...which is common for I-5ers....while my comments appear negative, what they are is watching decades of a handful of people messing with people that are very capable of handling thier own land, animals, and lives without state interference. And if you think outside the office...we been doing fine for 100 plus years...and now.....Thank you

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From: Tina Short Sent: 4/29/2022 7:13:59 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Recommendation to Postpone Proposal CR-102/WSR 22-08-003 From June Meeting

External Email

Good morning Washington State Board of Health,

I request you postpone the draft proposal (CR-102, Proposed Rule, as WSR 22-08-003 for WAC 246-203-130, Keeping of Animals) from the June 8, 2022 hearing.

Please allow a work group/task force of stakeholders to convene and sort through the concerns brought forward by the citizens of Washington state.

Tina Short Washington Citizen

May your troubles be less and your blessings be more, and nothing but happiness come through your door.

From: Deanna Clark Sent: 4/30/2022 11:22:10 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: KEEPING OF ANIMALS memo

attachments\1BC644BB336D48E3 image001.gif

External Email

Dear State Board of Health,

There are many unresolved issues/concerns regarding the Keeping of Animals. Example of concerns are: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

I am requesting that the draft proposal from the June meeting be postponed to allow a work group/task force of stakeholders to convene and vet out the concerns and make recommendations.

Please get back to me and let me know if you are honoring this request or have other avenues to resolve these issues. Thank you.

Deanna Clark

253.455.2073

From: Pat Engberg Sent: 6/1/2022 1:25:17 PM To: DOH WSBOH Cc: Subject: Covid shots

External Email

How ridiculous that the BOH refuses to acknowledge how ineffective & how dangerous the Covid shots have been. This is not about health & I have listened to several recent BOH webinars & all you talk about is how to deal with vaccine hesitancy rather than the multitude of other healthy options there are to stay healthy. You should all be fired!

Sent from my iPhone

From: ms n Sent: 4/27/2022 10:46:19 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Postpone the drafted proposal

External Email

I'm requesting they postpone the draft proposal for the Animal WASTE Rule from June's hearing.

I suggested they allow a work group/task force of stakeholders to convene and sort out the concerns.

Nancy Wiest

From: SJ T Sent: 4/14/2022 10:25:59 AM To: DOH WSBOH Cc: Subject: BOH 13 Apr Mtg

External Email

Thank you for hosting a professional, well-run meeting. Though it was long, I found it informative and am glad I attended.

SammieJo Thirtyacre

From: Dr. Jack Gillette, DVM Sent: 5/2/2022 8:59:28 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: WAC 246-203-130 Keeping of animals.

External Email

I believe that the proposed rule should be postponed until a working group an examine it and work out any problems and/or flaws that are unforeseen at this time.

Please retain my E-mail for notifications of further actions.

Dr. Jack Gillette | DVM

Wildflower Veterinary Services

11425 221st ST SE

Graham, WA 98338

Phone (253) 847-1626 † Please Note Our New Email Address, Below:

+ Email: HorseDoc@WildflowerVetLLC.com <mailto:horsedoc@wildflowervetllc.com>

Web: www.WildflowerVet.com <a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.protection.com%?url=https://gcc02.safelinks.protection.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?

From: Tracy Eisenhard Sent: 5/12/2022 8:12:43 AM To: DOH WSBOH Cc: Subject: Vote on April 13th

External Email

Please do NOT vote for vaccinations for COVID to be required for schools and day cares. It would be against the rights of parents to make their own medical choices for their children. It is proven to have negative impacts on children's health. It is proven that children are not at risk for extreme health risks due to COVID. It will greatly decrease enrollment in public school.

Thank You

Tracy Eisenhard

Sent from Mail <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F% for Windows

From: Jotform Sent: 5/13/2022 9:40:03 AM To: DOH WSBOH Cc: Subject: Re: Stop The Child Vaccine Mandate Petition - Kathy Griffin

External Email

<https://cdn.jotfor.ms/assets/img/logo2021/jotform-logo.png>

Stop The Child Vaccine Mandate Petition

Name

Kathy Griffin

Email

stangc@gmail.com

Zip

, , , , 98513

Cell Phone Number

(98513)

You can edit this submission

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.jotform.com%2Fedit%2F52&">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.jotform.com%2Ftables%2F2</a> <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.jotform.com%2Ftables%2F2">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.jotform.com%2Ftables%2F2

easily.

From: Sally Kiger Sent: 4/27/2022 9:54:16 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: URGENT Dept. of Health Keeping of Animals/Waste

attachments\8E3404EDC40C48DB image001.gif

External Email

I have a small 1 acre hobby farm. I don't sell anything but I have ducks, chickens, horses and dogs. I have a small garden where I grow a lot of my own vegetables, I have a couple fruit trees.

I am very concerned about mixing equines in with domestic animals. Although they seem like pets they ARE NOT PETS in any way. They are working animals. They earn money (although not their keep) they take us hunting, up and down mountains for search and rescue missions, they work with us as parking lot attendants on occasion. When their world hits the fire, they REACT as a prey animal, barreling through fences, and running wild.

I definitely understand the issue with the waste they produce. We actively pick our bedding so we can compost their manure. The chickens do an excellent job of churning the piles, and I get beautiful soil for my garden.

I am asking that you put off ruling on this decision and make research groups/task force of all types of equine owners, Farmers, etc. to better understand how different decisions will effect the different users you have in this state.

Equines have always been farm animals and not pets. Just like cattle, Llama's, goats, and sheep. Everyone of those animals can technically be classified as both pets and farm animals.

Please do more research and reach out to all the communities.

Sally Kiger

AAS – Paralegal,

Paraeducator MMHS ext. 7761

C: (360) 749-1584

Kigersallyj@gmail.com <mailto:Kigersallyj@gmail.com>

From: Dean or Martha Effler Sent: 3/30/2022 4:56:46 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals Rule/Domestic Animals Waste

#### External Email

The Washington State Department of Health is in the process of failing to protect the health and well being of thousands of state citizens. By changing the focus of the rule to domestic animals and leaving out the huge herds of dairy cows in Yakima County, the department is ignoring the largest source of ground water pollution in the state. In the past, the Washington State Department of Agriculture has wrongfully been given the responsibility to monitor the CAFO permits that are formulated by The Washington State Department of Ecology. They dedicate inadequate manpower to monitor manure management and virtually never do anything to protect ground water sources because their mission is to promote agriculture and not encumber it with added requirements. WSDA seems to be disinterested in truly protecting domestic wells that are contaminated with nitrate. The Washington State Department of Ecology seems to have great political pressure put on them to produce a weak CAFO permit. During the writing phase of the permit, Ecology employees sit down with environmentalists and smile at our suggestions regarding protection of aquifers, but when the final permit comes out it contains less than 5% of the recommendations of environmental groups. Instead the permit is so weak that ground water pollution is allowed to continue. This issue was brought to the Washington State Appeals Court and the court agreed. The court required that Ecology rewrite the permit with stronger measures that protected domestic wells.

Just remember how bad the situation is in the lower Yakima County. 20% of domestic wells are not drinkable because of nitrate. If you live one mile down current of large CAFOs, 60% of the wells are contaminated. This is true because manure lagoons are not lined with synthetic barriers and the industry produces so much manure that the manure is applied to lands that already has too much nitrogen in the soil. A federal court judge many years ago in Yakima County agreed with this assessment and required the owners of the four dairies to change their dairy practices.

So the citizens of Yakima County had only one agency left to protect their wells from contamination and that was the Washington State Department of Health. It looks like the Washington State Department of Health has taken the same road as the WSDA and Washington State Department of Ecology and is buckling in to the wealthy, politically influential dairy industry and is failing to do anything to protect the health of the citizens of the lower Yakima Valley. You should be ashamed of yourselves. Is there not one agency in state government that will stand with the common man and against the polluting dairy industry?

From: Tera Tagliabue Sent: 6/3/2022 11:58:33 AM To: DOH WSBOH Cc: Subject: Support citizens petition, agenda item 13

External Email

Dear BoH,

I want to voice my support for agenda item #13, the citizen petition for rulemaking. This calls for medical workers who administer EUA shots (such as all the Covid shots), and shots that lack completed Phase III clinical trials (all the Covid shots), to give potential recipients (or parent) specific information prior to vaccination so that fully informed consent (or refusal) can happen.

Thanks,

Tera Tagliabue

Sent from my iPhone

From: Glasoe, Stuart D (SBOH) Sent: 5/13/2022 10:51:46 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: SBOH Keeping of Animals Rule clarification of comments

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: McLain, Kelly (AGR) <KAardal@agr.wa.gov> Sent: Friday, May 13, 2022 10:35 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: SBOH Keeping of Animals Rule clarification of comments

To the State Board of Health,

I am writing to clarify the position of WSDA on the proposed rule for WAC 246-203-130, the Keeping of Animals.

I would like to start by expressing my appreciation of your staff and their regular work with WSDA over the past four years on the content and intent of this rule. Subject matter expertise from WSDA has been regularly sought and used in this process and that is evident in the proposed rule. WSDA stands neutral and not opposed to this rule as drafted. Our comment letter was intended to provide for the record a robust accounting of the many programs and projects that touch on this topic, and our support of continued collaborative approaches where possible. Please feel free to follow up if you have additional questions.

Sincerel	у,
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Kelly

Kelly McLain | Legislative Liaison/Policy Advisor

Washington State Department of Agriculture

Cell: 360.359.8091 | kmclain@agr.wa.gov <mailto:kmclain@agr.wa.gov>

From: Donahoe, Kaitlyn N (SBOH) Sent: 5/1/2022 6:04:37 PM To: DOH WSBOH Cc: Subject: Fwd: CR 102 Domestic Animal Waste

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From: Jon Borcherding <jonreadsitall@protonmail.com> Sent: Sunday, May 1, 2022 3:32:34 PM To: Donahoe, Kaitlyn N (SBOH) <kaitlyn.donahoe@sboh.wa.gov> Subject: CR 102 Domestic Animal Waste

External Email

The Washington State Board of Health has chosen a remarkably inopportune moment to address what is described as a long-standing issue.

With supply-chain problems and fertilizer shortages affecting the global food supply, many experts including the Biden Administration are predicting food shortages. The recent destruction of at least 12 major food production plants will likely also contribute to food shortages. The nation's railways are refusing shipment of nitrogen fertilizers during the current planting season. The FBI has just released a bulletin outlining the threat of cyber attacks against agricultural facilities. There is NO shortage of threats to America's food supply.

In addition to the looming specter of food scarcity is the alarming rate of inflation which disproportionately impacts the poor by making food more and more unaffordable.

In an effort to stave off shortages and hunger, many homeowners are engaging in small scale food production i.e., vegetable gardens, raising chickens, rabbits, pigs, goats, sheep, etc. Any new regulation that impedes the homestead production of vital food resources is bound to be met with fierce resistance.

In an era when we are experiencing global shortages of nitrogen fertilizers due to foreign conflict, it seems like a good time to review our attitudes about animal waste products and learn to treat them like the resource they are.

There are already laws on the books regarding proper animal husbandry and the Board would be well advised to address current problems within the existing framework. New rulemaking at this time is also bound to lead to increased cost to the taxpayer at a time when we are seeing record inflation.

Has the Board estimated the cost of enforcement of new proposals? Surely there is an awareness that commissioned law officers and search warrants will be necessary to investigate the disposition of animal waste on private property? Also at issue is the credibility of the Health Department. It is not reasonable to expect homeowners to accept heavy handed regulation of traditional food production activities on their private property, particularly at a time when homestead food production may be key to survival. One can easily imagine the erosion of respect resulting from any attempt to use government force to hinder necessary farming activity.

I strongly urge the Washington State Board of Health to delay the Draft Policy proposal scheduled for June 2022. I believe it is in the best interests of all citizens that a work group or task force is formed to study the concerns of all stakeholders and advise the Board prior to the drafting or adoption of any new rules regarding the keeping of animals.

Sincerely,

Jon M. Borcherding

Roy WA

From: Daniel H Sent: 6/1/2022 1:14:34 PM To: DOH WSBOH Cc: Subject: Re: A. Clark Disciplinary Hearing

attachments\3DABE41884424895 image001.png

External Email

So now if Clark is resigning, will she be held accountable? Will the BOH that let her break the law be held accountable? What are you going to do about this???

On Fri, Apr 29, 2022 at 2:45 PM DOH WSBOH <WSBOH@sboh.wa.gov <mailto:WSBOH@sboh.wa.gov> > wrote:

Hello,

An update on the Spokane Regional Health District hearing is available on our website - please visit: https://sboh.wa.gov/news/spokane-regional-health-districthearing-update <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Fnews%2Fspokan regional-health-district-hearingupdate&data=05%7C01%7CWSBOH%40sboh.wa.gov%7C1d776ee7770e40d6ae4908da440b4df1%7C11d0

Best regards,

Phone: (360) 236-4110

Mailing Address: P.O. Box 47990, Olympia, WA 98504-7990

Location

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.google.com%2Fmaps%2Fpla 122.9083621%2C17z%2Fdata%3D!3m1!4b1!4m5!3m4!1s0x549173f074205aa3%3A0x552ddc5f79ee44b69 122.9061681%3Fhl%3Den&data=05%7C01%7CWSBOH%40sboh.wa.gov%7C1d776ee7770e40d6ae4908d • Website <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01% • Email <mailto:wsboh@sboh.wa.gov> · Facebook <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01% • Email <mailto:wsboh@sboh.wa.gov> · Facebook <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fsboh.wa.facebook.com%2FWashingtor • Twitter

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From: Daniel H <danielpvh@gmail.com <mailto:danielpvh@gmail.com> > Sent: Friday, April 22, 2022 11:58 AM To: DOH WSBOH <WSBOH@SBOH.WA.GOV <mailto:WSBOH@SBOH.WA.GOV> > Subject: A. Clark Disciplinary Hearing

#### External Email

I'm wondering when the disciplinary/final hearing for Amelia Clark of SRHD is scheduled for? I'm also wondering if this meeting will be online and viewable by the public.

Many Spokane residents have been following this case diligently, and we could use more information about the official findings of the board.

Thank you,

Daniel Henry

Spokane, WA, 99212

From: tvreyo@gmail.com Sent: 4/26/2022 6:44:10 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposal regarding keeping/animal waste

#### External Email

It is my recommendation as a livestock and equine stock owner to oppose any legislation that has not been reasonably vetted by a task force, and especially this one. I request that the Board of health focus on more pressing issues- like junkies and hoarders, homeless and their abuse of public lands and rights of way. More focus should be put on public safety around the ever surpassing numbers of humans that are homeless. Regulating grazing animal Shit before regulating people feces is a waste of taxpayers money! Stop regulating the people who are obeying the law and start doing something about those that don't. This is a total overstep of the authority of the board of Health. Defer this proposal! I cannot believe we have people that even think up this stuff- and are using my hard earned dollars to do so!

Tanara Reynolds Landowner BCHW Multiple chapters Thurston County From: Laura Brown Sent: 4/26/2022 5:24:42 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

#### External Email

Hello, I am concerned about the proposed Animal Waste Rule. I feel that there are many issues/concerns that are unresolved.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

I ask that you please delay the Draft Policy proposal in June and that a work group/task force is formed to vet out concerns.

Thank you, A concerned horse and goat owner, Laura Brown Arlington, WA From: susan cole Sent: 6/2/2022 9:56:05 AM To: DOH WSBOH Cc: Subject: NO!!! to adding Covid shots (etc)to required inoculation list for students!

External Email

I am writing for the second time— I feel like this is "wack a mole" — Keep this off of your "agenda" ALTOGETHER and ONCE AND FOR ALL!!! It has NO place due to lack of proper safety studies and due to the voluminous % of contraindications (and submitted VAERS reports)—that have presented themselves to our youth and people of ALL ages! The mere thought of this OVERREACH is an ABOMINATION of the worst kind as is any thoughts of adding chicken, monkey, or other new pox (etc)inoculations!!

I am however, in complete support of agenda item #13-WE THE CITIZENS in rule making!!

Thank you tor your time in reading this!

Susan Cole Ex educator and grandmother of 4!



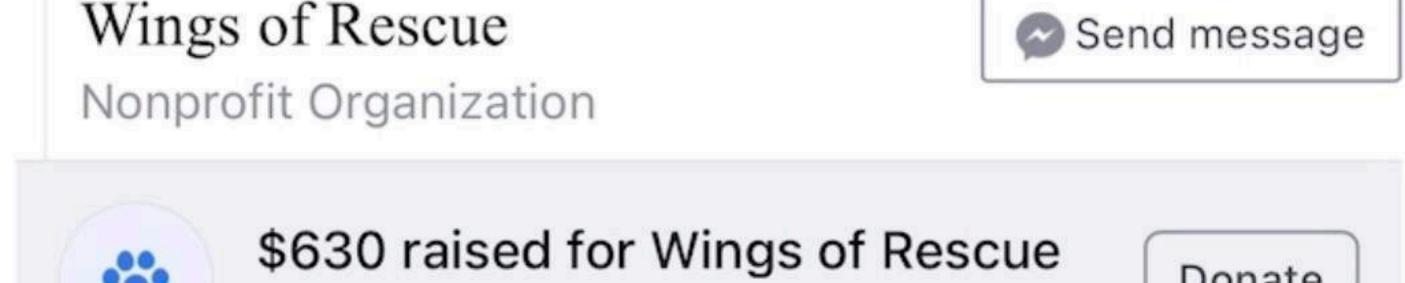


Wings of Rescue is Sasking for donations. June 13, 2020 at 3:44 PM · 🛞

What has 996 legs, weighs 7,151 pounds and flies? The answer is the 201 dogs 43 cats and 5 rabbits who flew on Wings of Rescue's flights over the last 48 hours! from overcrowded shelters in Texas, the Bahamas, Louisiana and Mississippi We want to send a huge thank you to IFAW and the Petco Foundation! Wings of Rescue will be back in the air over the next few weeks with flights from Louisiana, Texas, Oklahoma, Mississippi and Puerto Rico. Please support our rescue flights by donating online at www.wingsofrescue.org//donate or by mailing a check to Wings of Rescue P.O. Box 21747, Seattle, Wa. 98111. Another Ric Browde shipment caused deadly virus outbreak Causing the death of pets in the shelters they are



# Wings of Rescue



#### May 2, 2022

Subject: Comments on Proposed Animal Waste Rule, WAC 246-203-130

Dear Washington Board of Health,

The proposed domestic animal waste rule is unnecessary and redundant. Additionally, as written, it has the potential to impact operations that are not creating a nuisance or public health hazard and expose them to complaints and enforcement by people unfamiliar with agriculture operations and best management practices.

Washington State already has the authority to investigate and remediate water pollution through WAC 90.48. Under this WAC Department of Ecology has "...the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington." Under WAC 173-201A, Department of Ecology has the authority to set water quality standards and take actions to prevent degradation.

RCW 90.72 Shellfish Protection Districts gives counties the authority to create shellfish protection districts and programs to address water pollution where water pollution threatens the water quality of shellfish growing areas. RCW 90.72 states, "This program shall include any elements deemed appropriate to deal with the nonpoint pollution threatening water quality over shellfish tidelands, including, but not limited to, requiring the elimination or decrease of contaminants in stormwater runoff, establishing monitoring, inspection, and repair elements to ensure that on-site sewage systems are adequately maintained and working properly, assuring that animal grazing and manure management practices are consistent with best management practices (*emphasis added*), and establishing educational and public involvement programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution."

Under RCW 70.05 individual counties already have the authority to adopt rules to address public health issues within their jurisdictions. The health officer has the power to, among others, take action to maintain health and sanitation supervision over the territory within his or her jurisdiction and prevent, control or abate nuisances which are detrimental to the public health which is the stated purpose of the proposed rule.

Finally, USDA Natural Resources Conservation Service has established best management practices (BMPs) for all aspects of agriculture, including livestock keeping and manure management. They and the local Conservation Districts across the state have education and financial programs to help land owners and livestock owners implement best management practices. The proposed rule as written does not mention or consider BMP's and has the potential to impact operations that are not creating a nuisance or public health hazard and those that are already using BMP's advocated by the expert agricultural agencies.

I urge you to postpone the draft proposal from the June hearing, and form a work group/task force of stakeholders and agriculture experts to consider the issue and concerns.

Thank you.

Susan Davis Thurston County Resident and Livestock Owner





security preparedness.

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Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

# 2021 NTI-MUNICH SECURITY CONFERENCE TABLETOP EXERCISE PARTICIPANTS

## EXERCISE CO-CHAIRS

Dr. Ernest J. Moniz Co-Chair and CEO Nuclear Threat Initiative Former U.S. Secretary of Energy

### PARTICIPANTS

Mr. Arnaud Bernaert Head, Health Security Solutions SICPA Ambassador Wolfgang Ischinger Chairman Munich Security Conference

Ms. Angela Kane Visiting Professor Paris School of International Affairs (SciencesPo),

**Dr. Beth Cameron** Senior Director, Office of Global Health Security and Biodefense U.S. National Security Council

Mr. Luc Debruyne Strategic Advisor to the CEO Coalition for Epidemic Preparedness

**Dr. Ruxandra Draghia-Akli** Global Head Johnson & Johnson Global Public Health R&D Janssen Research & Development

**Dr. Chris Elias** President, Global Development Division Bill & Melinda Gates Foundation

Sir Jeremy Farrar Director Wellcome Trust

Dr. George Gao Director-General, Chinese Center for Disease Control and Prevention (China CDC) Vice President, the National Natural Science Foundation of China (NSFC) Director and Professor, CAS Key Laboratory of Pathogenic Microbiology and Immunology, Institute of Microbiology, Chinese Academy of Sciences Dean, Medical School, University of Chinese Academy of Sciences

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**Dr. Michael Ryan** Executive Director WHO Health Emergencies Programme

**Dr. Joy St. John** Executive Director CARPHA

**Dr. Petra Wicklandt** Head of Corporate Affairs Merck KGaA

Administration		
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Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

The discussion was organized into three sequential "moves" corresponding with scenario developments, followed by a roundtable discussion of broader biosecurity and pandemic preparedness issues. The stepby-step approach to revealing scenario developments reflected the limitations of information available to real-world decision makers, as well as the resulting uncertainty associated with a pandemic of unknown



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

#### Dear WA BOH,

We are the Friends of Toppenish Creek from Yakima County.

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.

People who live near animal feeding operations suffer from pollution of drinking water, air pollution, and infectious disease. State and local officials appear helpless to address this public health issue.

The magnitude of problems related to manure management has increased many fold since the introduction of concentrated animal feeding operations (CAFOs) to animal agriculture. Law makers who wrote rules to minimize health impacts from livery stables could not have envisioned storing animal excreta in million gallon lagoons or tossing it into the air to compost.

Remember that each mature milk cow excretes over 120 lbs of feces and urine every day. Multiply this by thousands of cows and that is a lot of manure.

A possible solution to this serious problem is to authorize citizen lawsuits against polluters when they cause or contribute to human illness or death. There is precedent for holding people responsible when they create conditions that harm others.

By herself, a woman whose husband dies from E-coli 0157 has little hope of winning against a multi-million dollar corporation that flaunts the law. But a change in the rules could make it possible to hold responsible parties accountable, by providing for cost recovery in litigation. Thank you for seriously considering this option.

Sincerely, ian Mendeza

Jean Mendoza

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

#### Rationale for Citizen Lawsuits to Protect Public Health from Manure Pollution

#### Legal Authority:

#### RCW 43.20.050

#### Powers and duties of state board of health—Rule making—Delegation of authority— Enforcement of rules.

(2) In order to protect public health, the state board of health shall:

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

#### WAC 246-203-130

#### Keeping of animals.

(1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.

(2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.

(3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

#### Facts:

Human and animal excreta carry pathogens that endanger human and animal health. This is why we teach children to wash their hands after they go to the bathroom.

People who live in close proximity to animal feeding operations suffer from pollution of drinking water, air pollution and infectious disease.

The WA DOH and local health agencies do not monitor pollutants from AFOs, do not surveil for related health impacts, do not investigate complaints or health impacts, do not control discharges and emissions, and do not assist those whose health has been harmed. The WA State Dept. of Ecology and the WA State Dept. of Agriculture do very little, and specifically do not evaluate impacts on human health. It appears that the agencies lack the resources to characterize, assess, and evaluate health impacts from AFOs.

People who live in close proximity to AFOs spend millions of dollars out of pocket to purchase safe drinking water, address health impacts such as asthma, cardiovascular and lung disease, and infections.

Taxpayers spend millions of dollars to subsidize AFO actions to reduce and mitigate pollution, and to keep AFOs in business.

Cost benefit analysis of the proposed WAC 246-203-130 does not address costs to citizens, only costs to business.

Meeting legal standards to prove health hazards is expensive. In reality, a citizen who suffers illness or even death due to sloppy manure management does not have the financial resources to prove a cause and effect relationship. Public health agencies rarely make these connections.

Current WA rules and regulations do not protect citizens from the adverse health impacts of air and water pollution from improper manure management.

#### Proposed change to the Draft WAC 246-203-130:

One solution to this problem is provision for citizen lawsuits against those who damage public health. Such lawsuits could be allowed by provisions similar to those in the Clean Water Act. Citizens could seek injunctive relief (court orders prohibiting the pollution from continuing), civil penalties, and reimbursement of legal costs and attorneys' fees.

Proposed addition to WAC 246-203-130:

Any citizen may commence a civil action on his own behalf or on behalf of dependents:

- 1. Against any person, or collective of persons, who are alleged to discharge pollutants into a drinking water aquifer, or the ambient air in amounts that inflict illness or death.
- 2. Against responsible officials for failure to perform an act or duty to investigate negative health impacts from airborne or waterborne pollutants from animal manure.

The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.

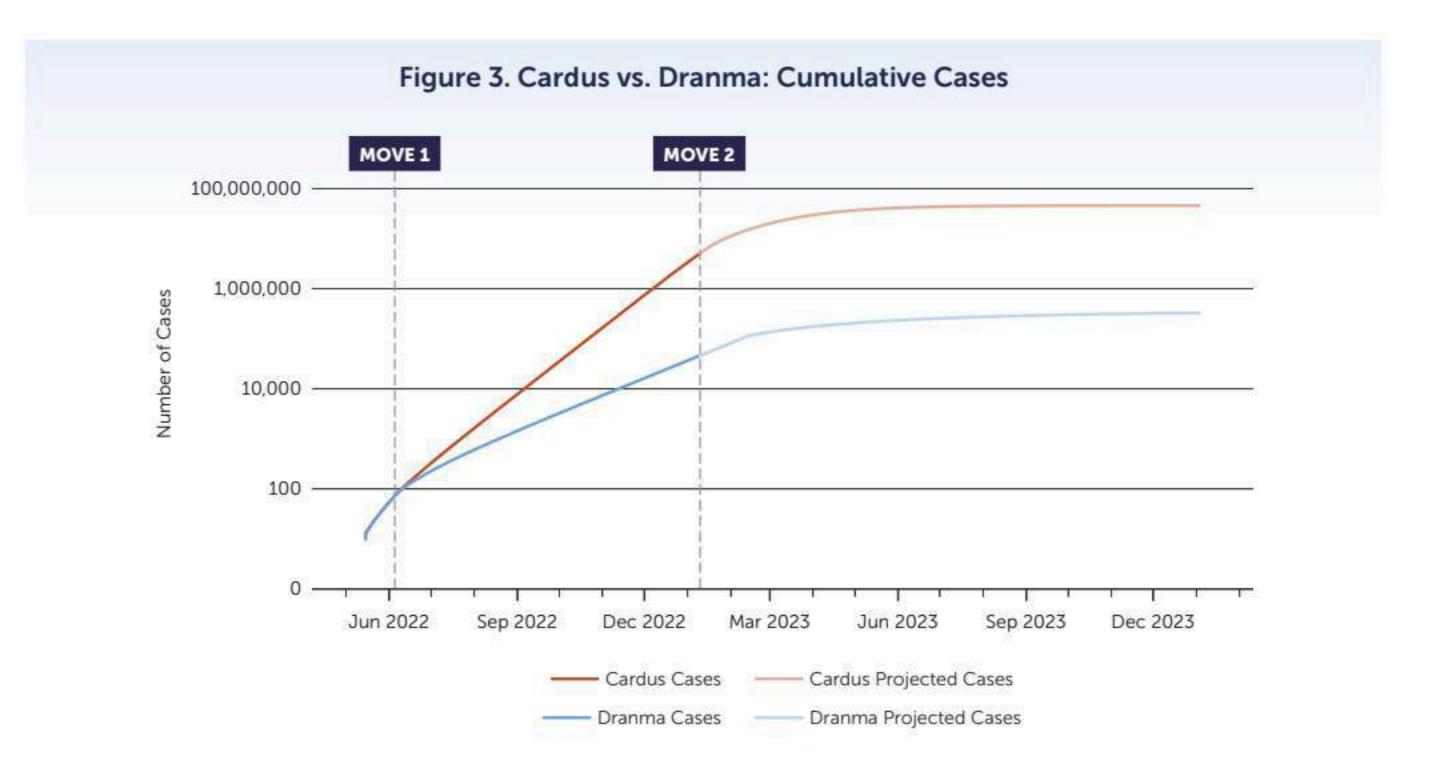
#### **Arguments:**

People who live near animal feeding operations where large amounts of manure are (mis)managed suffer documented adverse health impacts, but state and local officials appear helpless to change this situation. Citizen lawsuits could play a role in providing relief. Citizen lawsuits could realistically be undertaken if attorneys and expert witnesses could reasonably expect payment for their services.

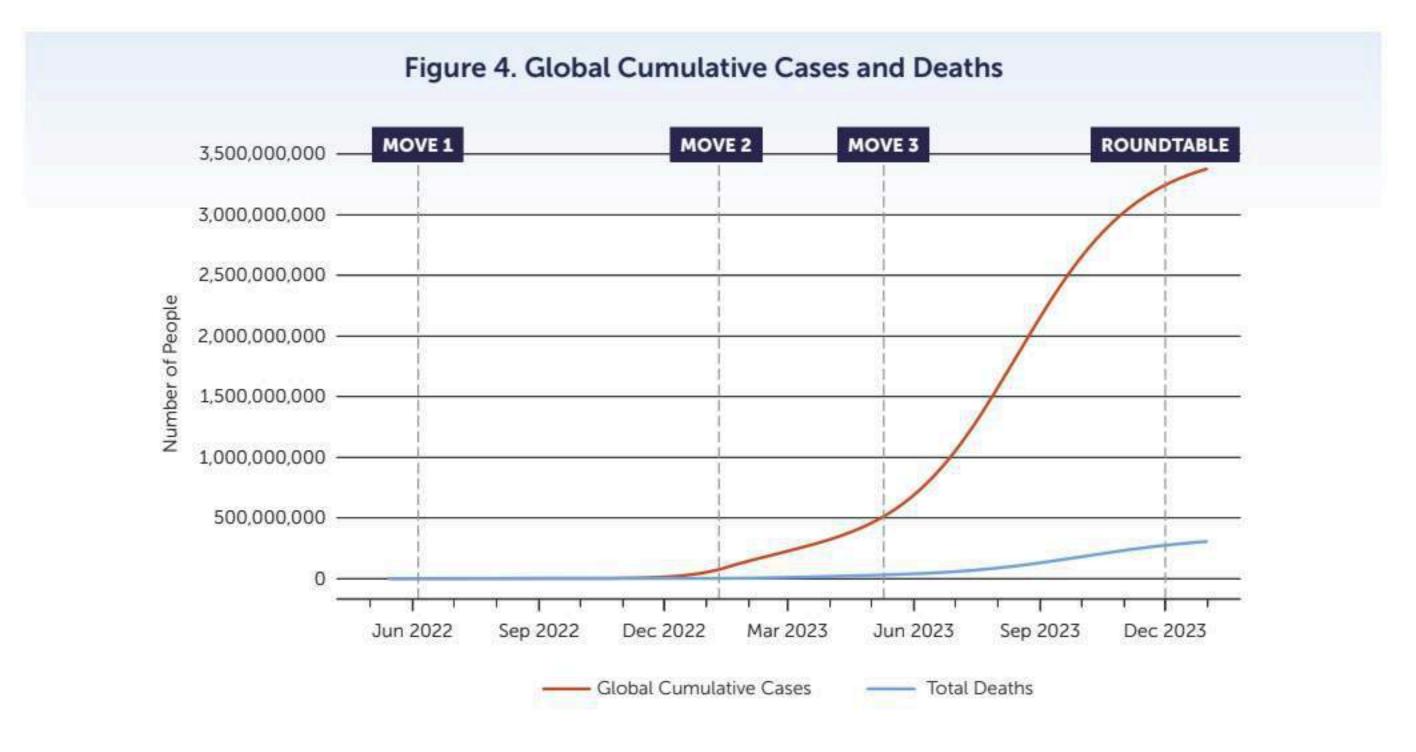
Criteria for proving adverse health impacts will undoubtedly be subject to intense debate, but this obstacle is not insurmountable.



Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats



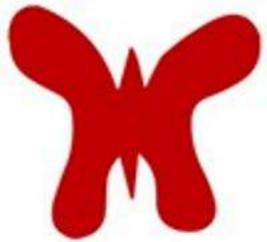
**Move 3** (May 10, 2023) occurred 12 months after the initial outbreak, with more than 480 million cases and 27 million fatalities globally (Figure 4). At this stage, participants learn that the pandemic was caused by a regional bio-terror attack that far exceeded the perpetrators' goals.



Specifically, Brinian intelligence reveals that the engineered monkeypox virus was developed illicitly at the fictional country of Arnica's leading institute for virology. Arnica (population 75 million) has a history of conflict with neighboring Brinia (see map in Figure 5). An independent Arnican terrorist group—the SPA—had worked with sympathetic laboratory scientists to engineer a highly contagious, deadly pathogen and disperse it at crowded train stations in Brinia during the national holiday, when much of the population was travelling domestically and internationally.

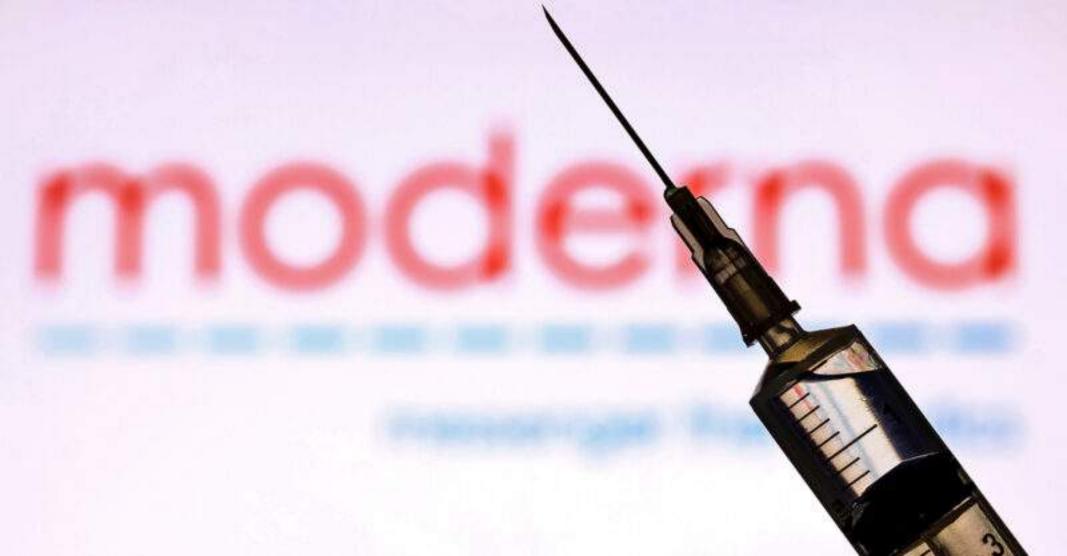
The SPA had exploited the Arnican government's weak oversight of its bioscience research laboratories. SPA sympathizers working in Arnica's leading virology institute













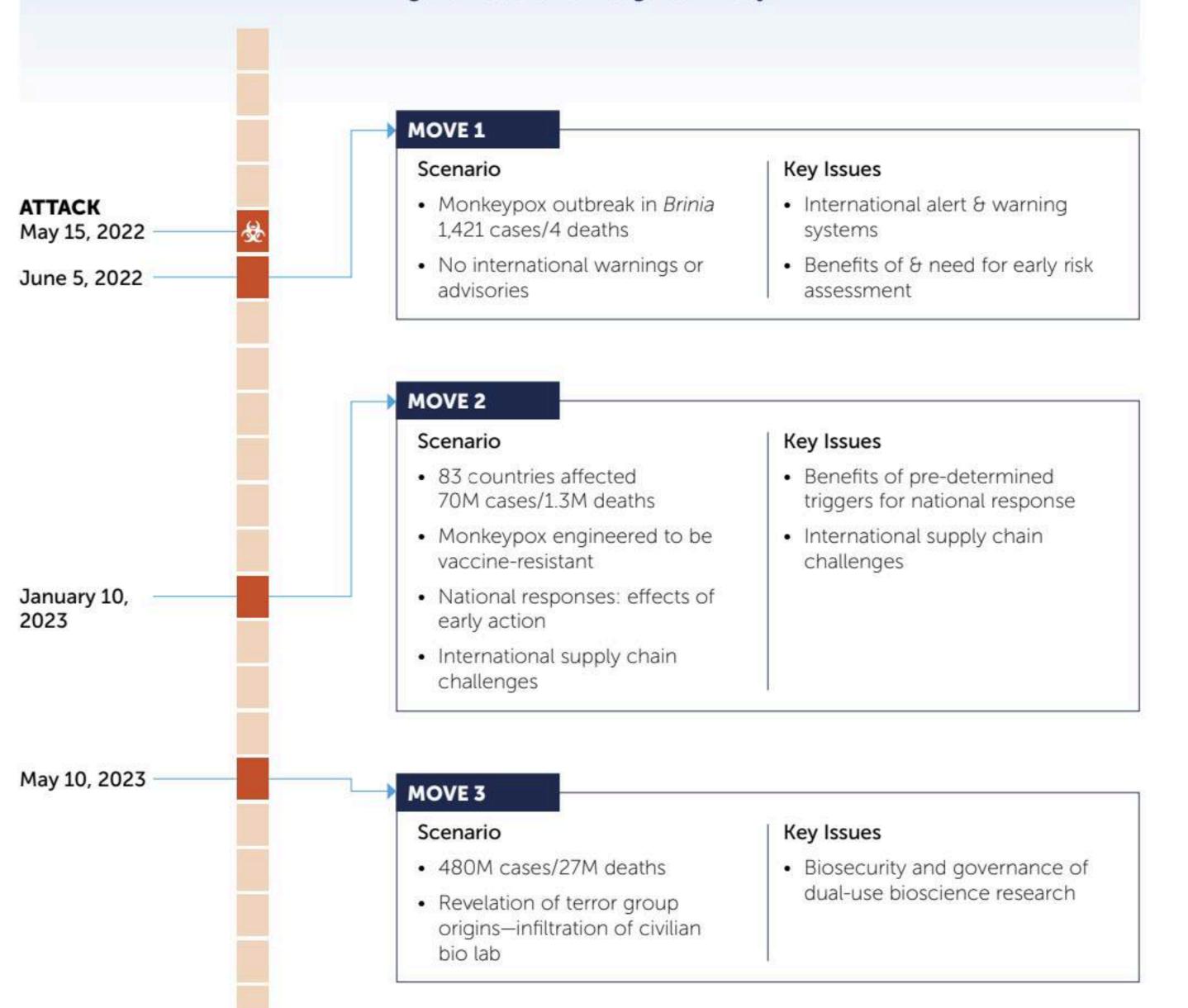




### Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

The discussion was organized into three sequential "moves" corresponding with scenario developments, followed by a roundtable discussion of broader biosecurity and pandemic preparedness issues. The stepby-step approach to revealing scenario developments reflected the limitations of information available to real-world decision makers, as well as the resulting uncertainty associated with a pandemic of unknown origin (see Figure 1).

**Figure 1. Scenario Design Summary** 



# December 1, \_\_\_\_\_\_ 2023

## ROUNDTABLE

### Scenario

- 3.2B cases/271M deaths
- Global differences in national responses contribute to significantly variable outcomes

### Key Issues

- International financing for pandemic preparedness
- Measures to strengthen national pandemic preparedness capacity

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### Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

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https://pubmed.ncbi.nlm.nih.gov/14720564/.

- <sup>17</sup> Estimated from moderate/hospitalized and severe cases to achieve case fatality rate. Inger K. Damon, "Status of Human Monkeypox: Clinical Disease, Epidemiology and Research," *Vaccine* 29 (2011): D54-D59, https://www.sciencedirect.com/science/article/pii/S0264410X1100524X.
- <sup>18</sup> WHO, "Monkeypox," 2019, https://www.who.int/news-room/fact-sheets/detail/monkeypox.

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# Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

and leaves the R well above 1. The "Moderate" response countries open up in January, increasing R to approximately 2.2, before locking down in the summer of 2023 when the outbreak is undeniable. Finally, the "Effective" response countries lock down aggressively in February 2023 and keep R below 1 throughout the remainder of the exercise.

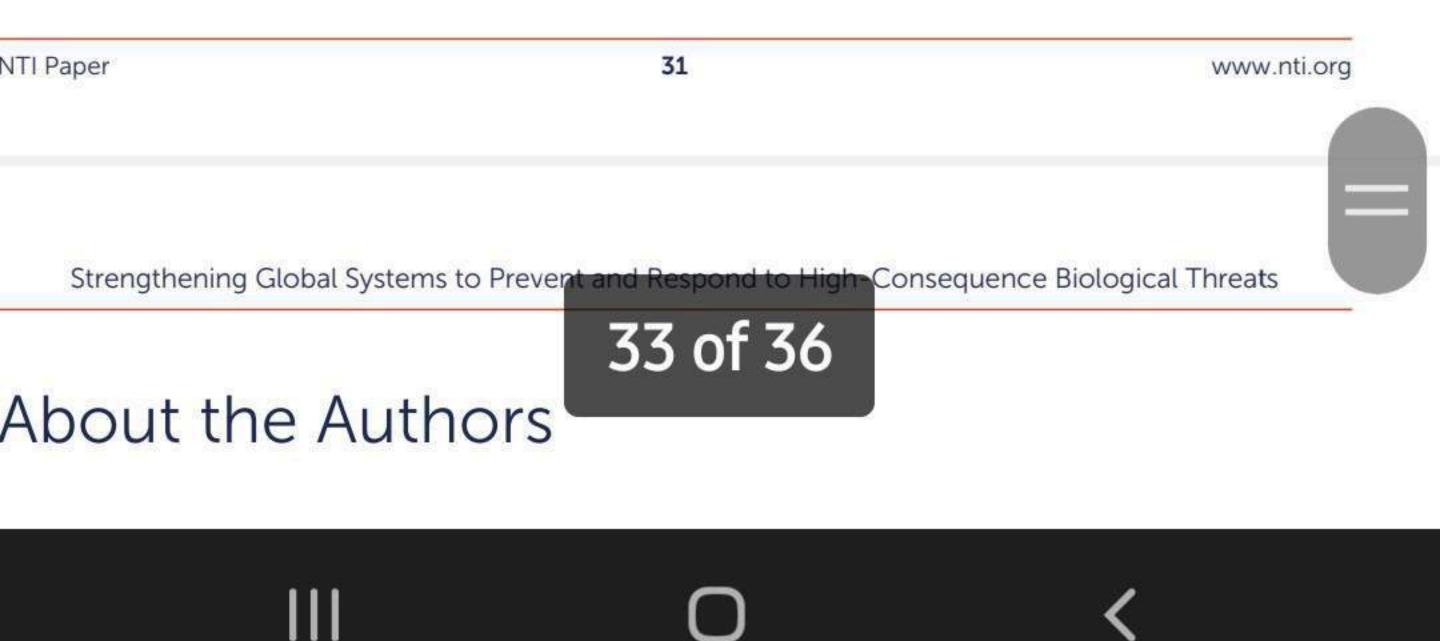
The combined global pandemic leads to more than three billion cumulative cases and more than 270 million deaths by the end of December 2023. At the peak of the pandemic, nearly 500 million individuals are infected at the same time, and there are 161 million people simultaneously in need of hospitalization.

The model was written in Python, with configuration and visualization through Jupyter notebooks.

## Table B-2. Non-Pharmaceutical Intervention Dates and Impacts

**Effective National Response** 

Date	Beta	R		
6/6/22	0.09	1.89		
2/7/23	0.01	0.77		
Modest National Response				
Date	Beta	R		
6/6/22	0.08	1.75		
1/11/23	0.11	2.17		
3/11/23	0.08	1.75		
7/15/23	0.007	0.728		
Poor National Response				
Date	Beta	R		
6/6/22	0.15	2.73		
1/15/23	0.085	1.82		



April 27, 2022

Washington State Board of Health

Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

As such, it appears the target for this proposed rule would be imposed on unincorporated commercial and private acreage with livestock.

As such, we are of the opinion that this proposal should fall under the scope of authority of the Washington State Department of Agriculture (WSDOA). The Department of Agriculture's charter provides the agriculture community ensuring agricultural regulations are observed. They work extensively with commercial operations, but their responsibilities range from ensuring food safety to environmental protections for water quality.

They also have the ability to work with landowners who have self-imposed farm plans that regulate animal waste. These plans need to be grandfathered in.

If the regulations under the WSDOA for waste management are insufficient, those should be updated. They have the authority and infrastructure to mandate and enforce the waste management regulations.

The Conservation Districts who submitted this rulemaking petition, have a charter to engage people with voluntary actions that keep our air, water, soil, habitats, and **farmland healthy** for all. They should be petitioning the Department of Agriculture for changes, and not the Board of Health.

Regarding the regulations proposed these need to be more specific, if not they are subject to bias by those who implement and enforce.

For examples, Standards for non-livestock:

For landowners with acreage, would land owners be required to pick their field to find their pet animal waste for temporary storage in a water tight container and disposal?

Would land owners be required to fence property to prevent their cats and dogs from migrating to adjacent neighbors? What regulations would be in place, or recourse would a landowner have, if their neighbors deliberately allow, or walk their dogs or cats to defecate on their neighbor's property to avoid collection/containment/disposal? Would land owners be required to sign their property "No Trespassing" to prevent this?

Will domestic pets be restricted from retention ponds, creeks, and rivers on one's property?

Standards for stockpiled waste from livestock:

What is considered stockpiled? Collected for composting? piled up like an equine stud pile? concentrated defecation in a confinement area?

Is all livestock waste to be removed, including poultry, goats, sheep, ducks, if found within the 100 ft setback?

Will livestock waste need to be separated by omnivore (i.e pigs, ducks, chickens) or herbivore, to allow it to be composted? And if so, how is the omnivore waste to be disposed of?

Is composted livestock waste allowed to be spread on lands within the 100 ft setbacks?

What criteria will be set to determine if composted waste is acceptable to be spread? And who will make that determination?

What odors need to be controlled? Waste odors, composting odors, animal odors?

What constitutes odor control and at what distance and duration does a landowner have responsibility to control the odor? What device will be used to detect odors?

Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Regards,

Jim and Cindy Reece

Small acreage land owner

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World Health Organization 98, no. 9 (September 1 2020): 638-640, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7463189/.

- <sup>12</sup> R.J. Jackson, A.J. Ramsay, C.D. Christensen, S. Beaton, D.F. Hall, & I.A. Ramshaw, "Expression of Mouse Interleukin-4 by a Recombinant Ectromelia Virus Suppresses Cytolytic Lymphocyte Responses and Overcomes Genetic Resistance to Mousepox," J Virol 75, no. 3 (February 2001):1205-10. doi: 10.1128/JVI.75.3.1205-1210.2001. PMID: 11152493; PMCID: PMC114026.
- <sup>13</sup> WHO, "Monkeypox-Democratic Republic of the Congo," Disease Outbreak News (October 1, 2020), https://www.who.int/emergencies/ disease-outbreak-news/item/monkeypox-democratic-republic-of-the-congo.

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- Infected1. These are mild cases. After approximately one week, 50 percent of these cases worsen, • and require hospitalization (the Infected2 state) whereas the remaining 50 percent progress to the Recovered state.
- Infected2. These are severe, hospitalized cases, requiring non-ICU treatment. After approximately ٠ one week, 40 percent of these cases worsen, thus requiring ICU (Infected3), whereas the remaining 60 percent progress to the Recovered state.
- Infected3. These are critical cases requiring ICU treatment. This model assumes all deaths must first ٠ pass through this category. After approximately one week, 50 percent of these cases lead to death, whereas the remaining 50 percent progress to Recovered.
- Recovered. This compartment includes all individuals who have already had the disease (excluding those who died). For the purposes of the model, recovered individuals are considered to be immune from future infection.
- Deceased. Individuals who have died as a result of the disease. All deaths result from ICU ٠ (Infected3) cases and make up approximately 10 percent of all cases.

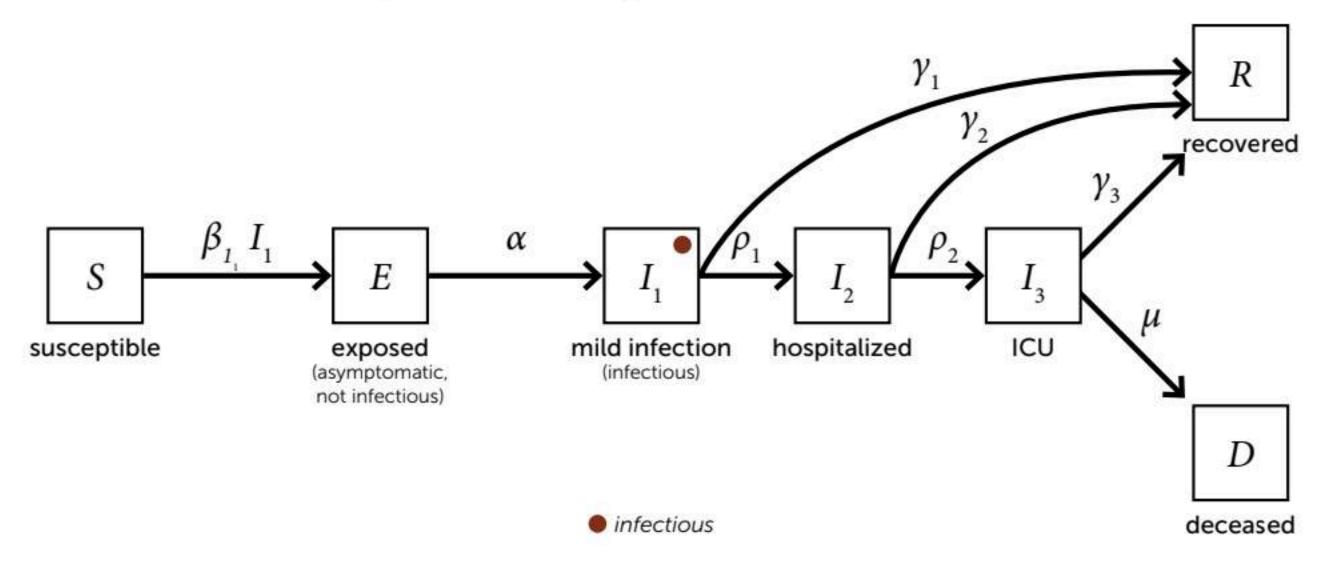
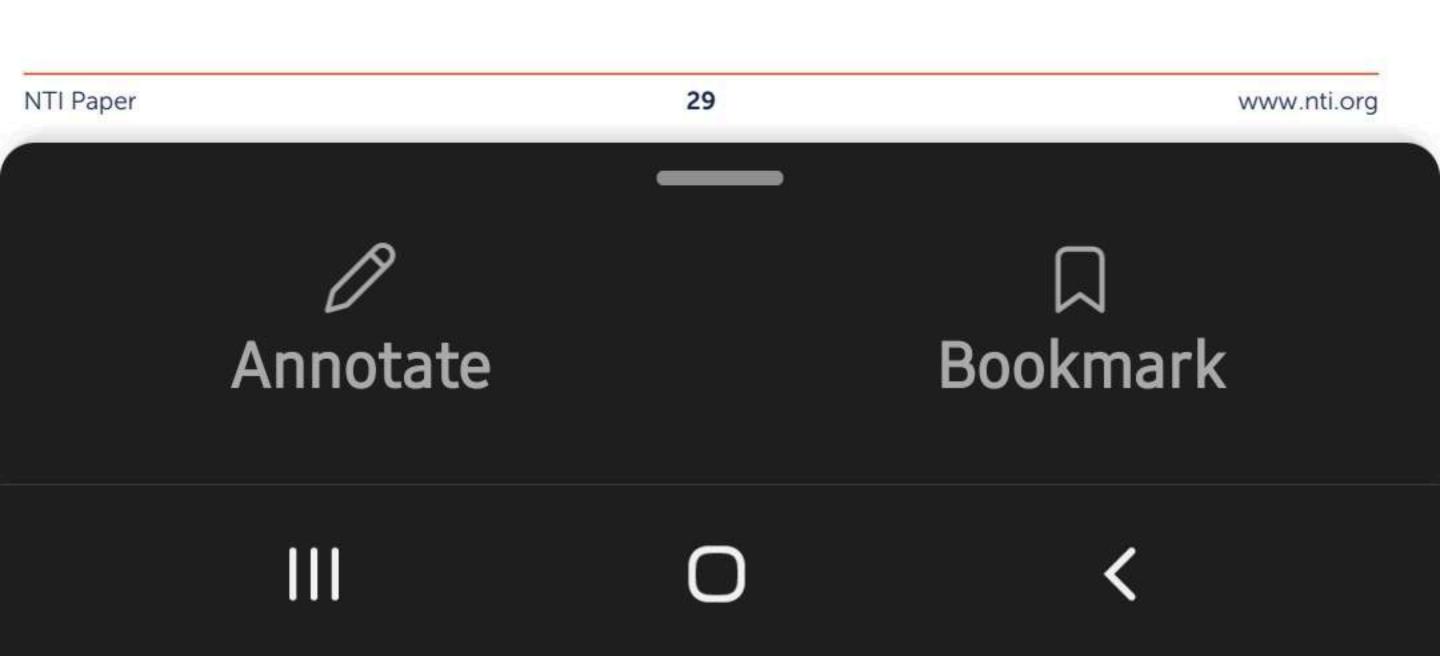


Figure B-1. SEIR Compartmental Model Structure



#### **Environmental Health Services Division**

401 Fifth Avenue, Suite 1100 Seattle, WA 98104-1818 **206-263-9566** Fax 206-296-0189 TTY Relay: 711 www.kingcounty.gov/health



April 29, 2022

Washington State Board of Health,

Public Health – Seattle & King County thanks you for the opportunity to provide comments on this update of WAC 246-203-130.

We have copied the sections and added only the places we have comments or additions. Our comments or additions are the <u>underlined portions</u>, embedded or added to the text below.

(1) A person may not keep or shelter animals in such a manner that the domestic animal waste creates a nuisance or <u>direct and immediate</u> health hazard. The purpose of this section is to establish standards for the prevention, control, and abatement of health hazards and nuisance detrimental to human health related to the disposal of domestic animal waste, including handling and storage of domestic animal waste, as described in the subsection (3) of this section.

**COMMENT:** Add "direct and immediate" for consistency with proposed definition of health hazard, and to emphasize this quality of the health hazard.

#### (2) Definitions

(k) "Surface Water" means a body of water open to the atmosphere and subject to surface runoff including, but not limited to, lakes, ponds, streams, rivers, and marine waters, <u>as well as conveyance systems to surface waters.</u>

**COMMENT:** Suggested additional clause to include conveyance systems to surface waters.

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control nuisances and health hazards related to the handling and disposal of domestic animal waste. Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must:

•••

(c)(i) hold the waste in a <u>hard-sided</u> container with a lid that closes securely to prevent access by animals and waste overflow from falling rain or snow if stored for more than one day prior to proper disposal;

**COMMENT:** Replace "watertight" with, "a hard-sided container with a lid that closes securely so that animals cannot access it and it cannot overflow from falling rain or snow".

(ii) Bag and dispose of the waste as solid waste, <u>unless waste is composted by a licensed compost</u> <u>facility per WAC 173-350-220.</u>

(d) handle domestic animal waste from livestock that is collected and stockpiled for later use or disposal as follows:

(ii) store the waste no longer than one year; ((and))

(iii) Site the stockpile: ...[etc.]

**COMMENT:** Add new subsections (d)(iv) and (d)(v) as shown.

(iv) Domestic animal waste from livestock shall be collected and stockpiled in accordance with an approved jurisdictional farm management plan; and

(v) Domestic animal waste from non-herbivores may not be composted at the site of origin or used for land application.

(4) The local health officer may investigate and enforce this section. Enforcement actions may include any proceeding within the local health officer's statutory authority. Before taking enforcement action the local health officer must attempt to communicate with the person who may be in violation of this section in order to seek <u>compliance by education and prevention as a first step</u> and, if the local health officer determines that a violation has occurred, allow the person reasonable time to correct the violation.

**COMMENT:** Replace "explore the facts" with "seek compliance by education and prevention as a first step..."

We appreciate the opportunity to provide comments. If you have questions or want clarification, please contact us.

Sincerely,

)and A. Rodger

Darrell Rodgers-Richardson Director, Environmental Health Services Public Health – Seattle & King County Darrell.Rodgers@Kingcounty.gov



#### Washington State Legislature

April 27, 2022

Washington State Board of Health PO Box 47900 Olympia, WA 98504-7990 (360) 236-4110

RE: Keeping of Animals Rule

Dear Members of the Board of Health,

We have been working with staff to review the amendments to WAC 246-203-130 related to animal waste. We would like to offer some criticisms and suggestions.

First, we do not believe this rule change is necessary. We understand that the original rule was written long ago and in a very different world. However, these changes to this rule are overly burdensome and overly complex. The Department of Agriculture already does rulemaking regarding manure or nutrient management for large operations such as CAFOs or dairies in WAC 16-25 and 16-611. Additionally, RCW 7.48.305 exempts agricultural activities from regulations regarding noise and odor. This Rule change is out of time and out of place. It does not appear to take into consideration existing rules and regulations from other agencies.

Many counties, especially in Eastern Washington, have Right to Farm ordinances. The application of this new rule, if it goes forward, has the likelihood of placing rural people with animals in a position where they believe they are exempt from these rules and yet, they end up receiving needless complaints and potential prosecution. The rule is unclear where it applies. It would be better if this rule applied only within urban areas to carnivorous domestic animals. Including livestock creates complications that should be handled by the Washington Department of Agriculture, not the Department of Health. Pets such as cats and dogs have different manure than livestock animals like cattle and horses. The rule should address these differences.

The rule is unclear if it applies to all operations, whether commercial or private, urban or rural, and regardless of size. This places agricultural businesses at risk, especially as more urban people move into rural areas without having an effective understanding of best agricultural management practices. There is a higher risk to public health in urban areas from pet excreta such as cats and dogs. This is a very different issue than rural areas where there may be a few livestock animals on a couple acres or an actual livestock operation that is managed by the



#### Washington State Legislature

Department of Agriculture. This rule is overly broad and vague and open for abuse in a world where agriculture is continuously under attack by urbanites who do not appreciate or understand the rural way of life.

The local board of health is made of people from the community who better understand the community's needs. We acknowledge that there are bad actors who are creating actual problems. However, the details of such a rule as this should be determined by the local board of health in ways that align with local values and interests.

Finally, if there is to be an update of this rule, we ask that there be a broader stakeholder discussion. The Board has shown its willingness to be responsive to sticky problems such as this and incorporate a broader constituency into the conversation. This discussion should include nutrient management experts, agricultural interests as well as municipal interests, commercial pet operations, small scale farmers, local boards of health, as well as recreational groups like the Backcountry Horsemen and Women. This rule was rewritten from a narrow perspective without considering the wide-ranging consequences. Please reconsider your changes or, at a minimum, allow for a broad discussion about the formulation of a new rule.

Senator John Braun Senate Republican Leader 20th Legislative District

Jury Warnet

Senator Judy Warnick Senate Republican Caucus Chair 13th Legislative District

Jim Honey ford

Senator Jim Honeyford 15th Legislative District

Deelly Doof

Senator Shelly Short Senate Republican Floor Leader 7th Legislative District

Mark I. Khoesles

Senator Mark Schoesler 9th Legislative District



Washington State Legislature

Senator Curtis King

14th Legislative District

Senator Phil Fortunato 31st Legislative district

CC: Keith Grellner, RS, Chair

Bob Lutz, MD, MPH

Stephen Kutz

Elisabeth L. Crawford

Umair A. Shah, MD, MPH

Temple Lentz

Patty Hayes

Melinda Flores

Socia Love

Kelly Oshiro

Mr. Stuart Glasoe Washington State Board of Health 111 Israel Rd. SE Tumwater, WA 98501 Via email to: <u>stuart.glasoe@sboh.wa.gov</u> Also submitted to: <u>WSBOHProposedAnimalWasteRule@sboh.wa.gov</u>

May 2, 2022

#### Re: 2022 Draft Rule Revisions, WAC 246-203-130 Keeping of Animals

Dear Mr. Glasoe:

Puget Soundkeeper Alliance (Soundkeeper) is a 501(c)(3) non-profit environmental organization, with a mission to protect and enhance the waters of Puget Sound for the health and restoration of our aquatic ecosystems and the communities that depend on them. Founded in 1984, Soundkeeper was a founding member of the international Waterkeeper Alliance and today has more than 8,000 members, supporters and volunteers who use and enjoy Puget Sound's marine waters and freshwater tributaries, for commercial, general recreational and aesthetic purposes. At least 176 of our supporters are known to live in communities with permitted Concentrated Animal Feeding Operation (CAFO) facilities; hundreds more live in communities with unpermitted agricultural operations.

Our constituents, and thousands of residents throughout the State of Washington, are at risk due to the failure of our State's regulatory agencies to protect against the public health and environmental harms caused by the keeping of animals. The Board of Health has a unique authority and responsibility to "assure safe and reliable public drinking water and to protect the public health" (RCW 43.20.050 (2)(a)), as well as to "adopt rules and standards for prevention, control, and abatement of health hazards and nuisance related to the disposal of human and animal excreta and animal remains" (RCW 43.20.050 (2)(c)), and to "adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule." (RCW 43.20.050 (2)(f).

We oppose the Washington State Board of Board of Health's (hereinafter "the Board's") draft rule revisions to WAC 246-203-130 (the "Rule"). We oppose the narrowing of the title and scope of the Rule from "Keeping of Animals" to "Domestic Animal Waste" as we disagree with the premise that the Board's unique authority is best suited to local regulation of smaller-scale activities and practices around animal waste alone. We are also concerned that the proposed revisions dramatically weaken existing public health and nuisance protections; fail to set adequate minimum standards to protect the public health from various risks associated with the

keeping of animals; and completely disregard the real and existential public health threat of climate change – a threat that can be exacerbated by the keeping of animals and, in particular, by industrial farm operations – or the environmental justice implications of the Rule.

# 1) The Board's regulatory authority and responsibility extends beyond managing animal waste.

The original Rule, entitled "Keeping of Animals", was broader than the newly proposed title of "Domestic Animal Waste." In its Background and Policy Recommendations document,<sup>1</sup> ("Backgrounder") without sufficient explanation or supportive rationale, the Board recommends that "the rule should focus on practices involving the handling, storage, and disposal of livestock manure and other domestic animal waste generated on site (not off-site manure transport and use) that present a clear health, sanitation, or nuisance problem." (at 25). We disagree.

Keeping animals can produce dust, odors, haze, and noise; contribute to the spread of disease from both direct and indirect contact with animals and their waste; contaminate soils; contaminate drinking water, groundwater, and surface water; and contribute to climate change through the emissions of greenhouse gasses. These constitute public health hazards and nuisances. Air pollution, water pollution, drinking water contamination, disease, sickness, and disturbances caused by the keeping of animals results in diminished quality of health and life for those affected. The Board documents these risks and more over seven pages in its Backgrounder with more than 100 unique research articles on topics, but then fails to address most of these hazards in the draft revisions.

We object to the narrowing of the title to "Domestic Animal Waste", as an abdication of the Board's responsibility to protect the public health from the aforementioned health hazards and nuisances that may be unrelated to the management of animal waste alone. We also see no justification for excluding off-site manure transport and use from regulation, as the hazards and public health implications of animal waste do not simply disappear as it crosses a property line. We encourage the Board to leave the Rule title as-is, and to assess and regulate the health hazards and nuisance impacts of activities including but not limited to feeding, watering, housing, and transporting animals as well as their waste, to protect communities and public health.

# 2) The draft Rule revisions dramatically weaken or entirely removes existing public health and nuisance protections.

The Washington State legislature has directed the Board to regulate the storage of animal waste to protect human health. RCW 43.20.050 (2)(c)). The current Keeping of Animals rule reads as follows:

WAC 246-203-130 Keeping of animals.

<sup>&</sup>lt;sup>1</sup> Keeping of Animals Background and Policy Recommendations of the Washington State Board of Health

- (1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.
- (2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.
- (3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

The draft revisions strike all of this language. In so doing, the Board proposes to dramatically scale back current requirements by:

- eliminating broad public protections against nuisances caused by the keeping or sheltering of animals (current section 1) and replacing them with protections limited to animal waste (draft section 1)
- eliminating strong stable waste collection, storage, and removal requirements (current section 2) and replacing them with vague and poorly defined requirements to collect animal waste containment areas (draft section 3a)
- striking strong and broad public health protections for drinking water (current section 3),

We object to the elimination of language in current sections 1-3 of the Rule. Rather than backsliding, the Board should build on these foundational protections, implementing clear minimum standards to ensure the intent of these protections is assured in light of modern-day animal-keeping practices and the extensive data on the nature and scope of the problems it causes - as documented in the Board's Backgrounder.

### 3) The draft revisions lack strong minimum standards to protect the public health.

The Board should build on the existing regulations to create stronger minimum standards to protect the public health and prevent nuisances. For example, the Board could keep existing sections 1 and 3 intact and expand section 2 to:

- articulate a more frequent waste removal requirement during the rainy season between October to April
- include all manure (not just "stable" manure, but any manure on any part of the premises)
- expand beyond "populous districts" to all districts, including "isolated premises"

Rural communities can be equally if not more susceptible to the public health risks posed by the keeping of animals.

The draft revisions lay out several requirements for livestock waste stockpiling in a new section (3(d)) excluding waste that is being composted and waste being stored in a lagoon. First, should the Board modify the existing Rule to authorize livestock waste stockpiling when the number of animals or quantity of waste renders it infeasible to cover and store the waste in an airtight container prior to removal (factory farms were likely not envisioned when the original Rule was promulgated in 1936), the Board should articulate which types of livestock operations are authorized to stockpile waste (how many animals, what size footprint, or how much waste?) and which types should continue the practice of keeping the waste in covered, airtight containers with requirements to periodically dispose of the waste.

Second, the Board should outline clear, science-based and appropriately tailored standards for the management of livestock waste by different operations that stockpile waste, adjusted to account for the size and type of operation (cattle, chicken, horse, etc.), the type of waste (liquid vs. solid), and site conditions (slope, soil-type, vegetation type and density, underground geology, hydrological features, etc.). A mature milk cow produces over 120 pounds of liquid feces and urine every day, whereas a horse produces 50 pounds of solid manure a day. The differences in consistency, chemical content, and quantity compounds with each additional animal, which surely necessitates different levels of protections for the public health.

Third, we are aware of no scientific basis why waste being composted or stored in a lagoon shouldn't also be managed as stringently – if not more stringently – than other stockpiles of waste. In fact, liquid manure being stored in a lagoon likely requires far more protections for the public health (greater setbacks from water sources, requirements to be stored in areas with a higher groundwater table, etc.). It is well known that lagoons leak.



image of manure lagoon



image of manure gun © USGS

The practices of storing excess livestock manure in large manure lagoons; transferring or selling livestock manure to third parties for use as fertilizer; and applying manure to fields as fertilizer (by both animal keepers and third parties – and often with a large "gun" or cannon that shoots the liquid waste over fields in a vast spray) are three modern practices that harm the public health and have harmed drinking water in Washington. The Board has failed to address these practices whatsoever, despite its clear regulatory mandate and authority to protect public drinking water. The Board should issue a new draft Rule outlining requirements to protect the public health from these three practices, which pose real and dangerous consequence to our public drinking water supplies – as well as air quality.

Finally, airborne disease, dust and odors from the keeping of animals also pose public health hazards and nuisance risks that are not sufficiently covered in the draft revisions. Other than setbacks from certain water sources and a requirement to store stockpiled waste so as to control odors and attraction of flies, rodents, and other vectors," (presumably, disease vectors?) the draft revision lacks any clear standards or requirements to protect the public from dust, disease, or odors, which may emanate from livestock themselves or from feeding or other areas. The Board should include requirements to control dust and odors from other areas of farm operations that pose a risk to public health.

# 4) The Board should consider climate impacts to public health from the keeping of animals, and the environmental justice impacts of the draft revisions.

Board mentions climate change in its Backgrounder just once, and not again. A deeper assessment of the climate impacts caused by the keeping of animals in Washington is both necessary and appropriate. The U.S. Environmental Protection Agency (EPA) estimated that agriculture contributed 11% of the United States' greenhouse gas (GhG) emissions in 2020<sup>2</sup>; the Washington State Department of Ecology attributed 15% of Washington's GhG emissions in 2017 to agriculture, industry, landfills, and fossil fuel production.<sup>3</sup> Climate change has already resulted in more frequent and intense droughts, wildfires, dust storms, erosion, and floods in Washington; reduced glacial snowpack feeding our rivers and streams; acidification of the ocean and Puget Sound, and sea level rise threatens our coasts, wetlands and aquifers.

The Board is in a unique position to address the impacts of climate change on public health for the first time since the Rule was last substantively revised in 1936. With rule revisions coming so infrequently, now is the time to consider how the keeping of animals could – and must - be better managed to prevent or reduce climate impacts to communities throughout the State of Washington, consistent with Washington State's commitment to reducing GhG emissions to 45% below 1990 levels by 2030, 70% below 1990 levels by 2040, and 95% below 1990 levels and net zero emissions by 2050.

It is well known that the impacts of climate change hit communities of color and low-income communities first and hardest. While the Board of Health is not listed as one of the seven agencies required to comply with the <u>HEAL Act</u>; the Departments of Health, Agriculture and Ecology are. We encourage the Board of Health to coordinate with these sister organizations and opt in under the HEAL Act. Because of the strong environmental justice considerations implicated for rural and frontline communities by this Rule and any revisions to it, we also strongly urge the Board to conduct deeper community outreach and engagement around proposed Rule revisions with those whose health, lives, and families are most at risk from the Board's decision-making.

### 5) Additional concerns:

The Board should not limit "nuisance" to acts or omissions that harm, endanger, or interfere with the health or safety of another person. Such a definition is restrictively narrow and not reflective of current nuisance law. RCW 7.48 defines an actionable nuisance to include: "an obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of the life and property, is a nuisance and the subject of an action for damages and other and further relief." We support the adoption of this definition within the Keeping of Animals rule.

We support the inclusion of a section regarding enforcement. The Rule is and should be enforceable, and language should be added to articulate when enforcement will occur. The public

<sup>&</sup>lt;sup>2</sup> Sources of Greenhouse Gas Emissions | US EPA

<sup>&</sup>lt;sup>3</sup> Improving air quality & public health - Washington State Department of Ecology

deserves concrete assurance that documented nuisances and public health hazards will be abated within a certain amount of time.

While we do not agree with all recommendations outlined in the Backgrounder, we do agree with the recommendation to develop a practical, purposeful rule, by "defining the type and scale of regulated activities; steps and standards defining and documenting health hazards and nuisance; technical standards and practices to prevent and remedy problems; technical assistance and referral procedures; methods for property access, compliance, and enforcement." We feel the current draft revisions fall short.

Thank you for accepting and considering these comments. We hope that the Board adopts our suggestions to improve upon the draft revision and better protect public health in Washington. We look forward to working with you.

Sincerely,

Alyssa Barton Policy Manager Puget Soundkeeper Alliance



### PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

In accordance with <u>RCW 34.05.330</u>, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <a href="http://apps.leg.wa.gov/wac/default.aspx?cite=82-05">http://apps.leg.wa.gov/wac/default.aspx?cite=82-05</a>.

#### **CONTACT INFORMATION** (please type or print)

Petitioner's Name	Kenneth Harp			
Name of Organization	ά.			
Mailing Address 1392	0 93rd Avenue NE			
City Kirkland	St	ate WA	Zip Code	98034
Telephone 206.218.763	9 Er	mail ken11	1@fastmail.com	

#### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <u>http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm</u>.

#### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule:

#### 1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is:

The rule is needed because:

The new rule would affect the following people or groups:

### **x** 2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: WAC 246-105-070

I am requesting the following change:	See attached (Petition to Amend Rule letter, 2 pages).
	Fully Informed Consent is not being obtained from Covid-19 mRNA product recipients (see attached Affidavit, 127 pages).
<b>x</b> The effect of this rule change will be:	To ensure Fully Informed Consent is being obtained from recipients of products under EUA and/or which have not completed Stage III Clinical Safety Trials.
The rule is not clearly or simply stated:	
_	
3. REPEAL RULE - I am requesting the	agency to eliminate an existing rule.
List rule number (WAC), if known:	
(Check one or more boxes)	
It does not do what it was intended to open the second	lo.
It is no longer needed because:	s
It imposes unreasonable costs:	
The agency has no authority to make t	his rule:
It is applied differently to public and pri	vate parties:
It conflicts with another federal, state, or rule. List conflicting law or rule, if know	
It duplicates another federal, state or lo List duplicate law or rule, if known:	ocal law or rule.
Other (please explain):	

Date: May 16<sup>th</sup>, 2022

To: The Washington State Board of Health Members

From: Kenneth Harp

**Subject:** Petition to Amend Rule modifying Chapter 245-105-070 WAC to include specific language requiring a health care provider administering immunizations to obtain Fully Informed Consent for any product or medical formulation that is Emergency Use Authorized and/or has not completed Stage III Safety Trials.

Dear Board of Health Members:

I am requesting the WA State Board of Health amend Chapter 245-105-070 WAC to include specific language requiring a health care provider administering immunizations to obtain Fully Informed Consent for any product or medical formulation that is Emergency Use Authorized and/or has not completed Stage III Safety Trials.

#### Current text of WAC 246-105-070:

"Duties of health care providers or organizations.

• A health care provider administering immunizations, or the organizations he or she works for, either public or private, shall furnish each person immunized, or their parent, with a medically verified immunization record containing information required by this chapter."

Recommended amendment to WAC 246-105-070 (recommend adding the following paragraphs):

 "A health care provider administering immunization, or the organizations he or she works for, either public or private, shall ensure Fully Informed Consent is attained from each person immunized with an Emergency Use Authorized product and/or any product that has not completed Stage III Clinical Safety Trials, or their parent, consistent with the Nuremburg Code, UNESCO, the World Medical Association's Declaration of Helsinki, the guidelines of the Council for International Organizations of Medical Services and the International Covenant on Civil and Political Rights which categorically forbid medical experimentation without consent.

Information provided to each person to achieve informed consent shall at a minimum consist of:

- (1) The regulatory status of the *specific immunization lot number* they are receiving, including:
   (a) Approval status (Emergency Use Authorized, fully FDA approved, other)
- (2) Clinical trial status. The current status of clinical trials for the immunization, including whether the clinical trial has been properly blinded or unblinded. If clinical trials are

incomplete and/or being performed in parallel with deployment a notice shall be provided that clearly communicates this to the person immunized.

- (3) Whether or not the immunization prevents infection and transmission.
- (4) All known potential side effects, both short term and long term.
- (5) Clearly identification of the party(s) financially responsible for any adverse health impacts that may occur as a result of the immunization, including legal and lawful recourse for injuries sustained from any adverse events associated with the immunization and any legal indemnification afforded to the product manufacturer, the health care provider administering the immunization, or the organization he or she works for, either public or private.

A copy of the above information shall be provided to the product recipient prior to immunization."

Summary of rational for new WAC 246-105-070 paragraph:

I am requesting this rule amendment out of concern that Fully Informed Consent is not being obtained from Covid-19 mRNA product recipients, in particular that risks and benefits are not being fully and accurately communicated to product recipients. The attached "Health and Safety Concerns with respect to Covid-19 novel mRNA and recumbent DNA products" is provided as supporting information.

The proposed amendment to WAC 246-105-070 is necessary to ensure Fully Informed Consent is being obtained from product recipients. This rule modification would have a documentation recording and reporting impact on health care providers providing immunizations in WA State.

Respectfully,

Kenneth Harp

### SWORN STATEMENT AND AFFIDAVIT

#### State of WASHINGTON

#### County of KING

PERSONALLY came and appeared before me, the undersigned Notary, the within named Kenneth Henry Harp III, who is a resident of King County, State of Washington, and makes this his Statement and General Affidavit upon oath and affirmation of research, personal knowledge and belief that the following matters, facts and things set forth are true and correct to the best of his knowledge:

#### RE: Health and Safety Concerns with respect to Covid-19 novel mRNA and recumbent DNA products

Given the historically very short timeframe in which the novel coronavirus mRNA therapies and recombinant DNA gene therapies were developed, the history of failed vaccine development attempts for SARS-CoV-1, MERS-CoV and related coronaviruses that resulted in increased sensitivity and enhanced disease, and the lack of extended clinical trial safety data, the long-term safety of these novel therapies cannot be currently ascertained.

Specifically of concern:

- 1) the rapid pace at which these novel mRNA therapy and recumbent DNA gene therapy products have been developed and rushed to market relative to traditional vaccine development timelines,
- 2) the specific and significant risk of resultant Antibody Dependent Enhancement (ADE) of disease and history of failed vaccine development attempts for SARS1, MERS and related coronaviruses,
- 3) the long-term risk of resultant auto-immune conditions,
- 4) the long-term risk of degradation of innate adaptive immune system response,
- 5) other potential long-term risks and adverse effects related to these novel medical products,
- 6) the incomplete and unblinded long-term Safety and Efficacy trials (scheduled to complete in 2023),
- 7) the de facto experimental nature of these products given (1) through (6) above,
- 8) the already high and growing number of short-term adverse reactions and deaths reported,
- 9) the growing incidence of myocarditis in young adults and athletes observed post-vaccination,
- 10) recent medical journal research indicating the SC2 spike protein alone may trigger adverse events,
- 11) recent medical journal research indicating these novel products do not prevent or reduce the transmission of, or infection from, the SARS-CoV-2 virus,
- 12) recent medical journal research indicating these novel products do not reduce SARS-CoV-2 viral load in the vaccinated,
- 13) the ambiguity surrounding the FDA approval announcement for the BioNTech "Corminaty" and Moderna "SpikeVax" products. These products are currently unavailable in Washington State. All currently available products, including the Pfizer BNT162b2 and Moderna mRNA-1273 product, are still under Emergency Use Authorization (EUA) and as such voluntary under Federal Law.

The long-term effects of these products are unknown. Until long term costs, benefits and side-effects are properly established, the mRNA and recumbent DNA gene therapy roll outs remain an experiment without conclusions. Coercing, mandating or manipulating people into medical experiments without fully informed consent is a crime.

#### Rapid pace in which these products were rushed to market relative to traditional development timelines

A typical vaccine development timeline takes 5 to 10 years, and sometimes longer, to assess whether the vaccine is safe and efficacious in clinical trials, complete the regulatory approval processes, and manufacture sufficient quantity of vaccine doses for widespread distribution. Figure 1 illustrates a typical vaccine development timeline (10 years) with the accelerated timeline (5 years) and Covid-19 product development timeline (1 year) for comparison. The rapid development timeline for these novel Covid-19 gene therapy "vaccines" is historically unprecedented.



NORMALLY, VACCINE DEVELOPMENT LOOKS LIKE THIS, WITH A TIMELINE OF 5 TO 10 YEARS.

Figure 1: Rapid development timeline of Covid-19 mRNA and recumbent DNA therapies [1]

#### These products do not meet the Revised Code of Washington State definition of a "Vaccine"

From the Revised Code of Washington State, RCW 70.290.010, Definitions Section (10), "Vaccine" "means a preparation of killed or attenuated living microorganisms, or fraction thereof, that upon administration stimulates immunity that protects against disease and is approved by the federal food and drug administration as safe and effective and recommended by the advisory committee on immunization practices of the centers for disease control and prevention for administration to children under the age of nineteen years." [2]

The available Pfizer, Moderna and Johnson & Johnson Covid-19 products do not meet the Washington State definition of a Vaccine. These products are not traditional vaccines, they are novel messenger RNA gene therapies [3] [4] and novel recombinant DNA gene therapies [5]. These novel technologies have never been tested nor deployed in a wide scale manner on human subjects. The clinical trial process is being performed in parallel with mass deployment. As such long-term risks and side-effects of these novel products are unknown.

#### Risk of Antibody Dependent Enhancement (ADE) and a History of Failed Vaccine Development

Antibody Dependent Enhancement of disease is, in simple terms, when vaccine-induced antibodies enhance, or make worse, a viral infection when exposed to the virus after being vaccinated for it.

Previous vaccine trials for SARS-CoV-1 and MERS-CoV (coronaviruses similar to SARS-CoV-2) never made it past pre-clinical (or animal test stage) due to ADE.

ADE is a response to the wild virus in which vaccinated people (or animals) experience a hyper-immune response which sets off dangerous inflammatory processes of disease – basically, and ironically, creating the worst outcome for the disease among those who have been vaccinated. At least 130 children died in the Philippines in 2017 when an experimental vaccine against Dengue fever resulted in an explosive immune ADE reaction killing the children when they were exposed to wild Dengue virus after vaccination [6]. The fiasco led to government health officers being indicted and the pharmaceutical giant, Sanofi, yanking its vaccine – but not before more than 800,000 children had already been given the shots and left in danger of an ADE response to the circulating virus.

"COVID-19 vaccines designed to elicit neutralising antibodies may sensitise vaccine recipients to more severe disease than if they were not vaccinated. Vaccines for SARS, MERS and RSV have never been approved, and the data generated in the development and testing of these vaccines suggest a serious mechanistic concern: that vaccines designed empirically using the traditional approach (consisting of the unmodified or minimally modified coronavirus viral spike to elicit neutralising antibodies), be they composed of protein, viral vector, DNA or RNA and irrespective of delivery method, may worsen COVID-19 disease via antibody-dependent enhancement (ADE). This risk is sufficiently obscured in clinical trial protocols and consent forms for ongoing COVID-19 vaccine trials that adequate patient comprehension of this risk is unlikely to occur, obviating truly informed consent by subjects in these trials." [7]

Multiple studies [8] had warned of the repeated failures and dangers of a coronavirus vaccine that created an ADE response when vaccinated individuals encountered a wild virus. Yet there is no evidence that the deaths from COVID-19 in the fully vaccinated have been investigated to determine if they suffered from an ADE response to a wild coronavirus" [9]. Current monitoring methods would treat ADE as a Covid infection leading to a self-reinforcing cycle. Monitoring protocols should be adjusted to screen for ADE.

"It is not clear from the CDC data if the people who have become seriously ill, including those who have died of COVID infection following vaccination, are not experiencing a known side-effect of coronavirus vaccination that was warned about before the rollout began: antibody dependent enhancement" [7].

"There are several vaccine types currently being pursued including mRNA, DNA, recombinant protein, virus-like particle, and live-attenuated or killed virus. With the potential exception of live, attenuated virus vaccines, the general goal is to induce adaptive immune response resulting in high-affinity IgG against S (spike) or N (nucleotide) viral capsid proteins. However, unless care is taken to modify the protein sequences to remove or inactivate regions highly associated with ADE, if this is even possible, we may produce vaccines that enhance, rather than protect against, severe SARS-CoV-2 infection. This could be particularly problematic in children, with their reduced risk of severe infection." [7]

Vaccine associated disease enhancement has been identified as an "important potential risk" in Pfizer's most recent Cumulative Analysis of Post-EUA Adverse Event Reports (BNT162B2), specifically identifying Vaccine-Associated Enhanced Disease (VAED) and Vaccine-Associated Enhanced Respiratory Disease (VAERD) [10].

If ADE is occurring one result would be an increase in disease occurrence and/or severity among the vaccinated population. Note that an increase in disease occurrence coupled with non-sterilizing products (which do not prevent infection or transmission) places both vaccinated and unvaccinated at increased health risk.

"The specific and significant COVID-19 risk of ADE should have been and should be prominently and independently disclosed to research subjects currently in vaccine trials, as well as those being recruited for the trials and future patients after vaccine approval, in order to meet the medical ethics standard of patient comprehension for informed consent." [11]

The risks of Antibody Dependent Enhancement of disease should be fully disclosed as part of informed consent.

#### **Risk of Resultant Autoimmune Conditions**

The risk of long-term Auto-Immune conditions resulting from mRNA or recumbent DNA gene therapies or traditionally based COVID 19 vaccines is currently unknown.

For reference, an antigen is a substance (protein) that causes the immune system to produce antibodies and trigger an immune response. An epitope is a localized region on the surface of an antigen capable of eliciting an immune response and of combining with a specific antibody to counter that response. Full-length SARS-CoV-2 spike proteins contain epitopes that have moderate to strong cross-reactivity with a variety of human tissues.

"Razim et al. concluded that before considering a protein as a vaccine antigen, special care should be taken in analyzing the sequence of tissue cross-reactive epitopes in order to avoid possible future side effects. We agree with Razim et al., and we feel that our own findings that 21 out of 50 (human) tissue antigens had moderate to strong reactions with the SARS-CoV-2 antibodies are a sufficiently strong indication of cross-reaction between SARS-CoV-2 proteins and a variety of tissue antigens beyond just pulmonary tissue, which could lead to autoimmunity against connective tissue and the cardiovascular, gastrointestinal, and nervous systems." [12]

"At the moment, scientists are frantically trying to develop either a definitive cure, neutralizing antibodies, or a vaccine to protect us from contracting the disease in the first place, and they want it right now. We must consider that finding a vaccine for a disease may normally take years. There are reasons for all the precautions involved in developing a vaccine, not the least of which are unwanted side-effects. In light of the information discussed above about the cross-reactivity of the SARS-CoV-2 proteins (antigens) with human tissues and the possibility of either inducing autoimmunity, exacerbating already unhealthy conditions, or otherwise resulting in unforeseen consequences, it would only be prudent to do more extensive research regarding the autoimmune-inducing capacity of the SARS-CoV-2 antigens." [12]

The Pfizer BNT162B2, Moderna mRNA-1273 and Janssen Ad26.COV2.S products all encode for and produce full-length spike proteins.

The risk of resultant autoimmune conditions should be fully disclosed as part of informed consent.

#### Risk of degradation of innate immune system response

Recent medical research findings reveal that the SARS-CoV-2 full-length spike protein may impair adaptive immunity by inhibiting DNA damage repair. The Pfizer BNT162B2, Moderna mRNA-1273 and Janssen Ad26.COV2.S products all encode for and produce full-length spike proteins.

"Adaptive immunity plays a crucial role in fighting against SARS–CoV–2 infection and directly influences the clinical outcomes of patients. Clinical studies have indicated that patients with severe COVID–19 exhibit delayed

and weak adaptive immune responses; however, the mechanism by which SARS–CoV–2 impedes adaptive immunity remains unclear. Here, by using an in vitro cell line, we report that the SARS–CoV–2 spike protein significantly inhibits DNA damage repair, which is required for effective V(D)J recombination in adaptive immunity." [13]

"Our findings provide evidence of the spike protein hijacking the DNA damage repair machinery and adaptive immune machinery in vitro. We propose a potential mechanism by which spike proteins may impair adaptive immunity by inhibiting DNA damage repair. Although no evidence has been published that SARS–CoV–2 can infect thymocytes or bone marrow lymphoid cells, our in vitro V(D)J reporter assay shows that the spike protein intensely impeded V(D)J recombination. Consistent with our results, clinical observations also show that the risk of severe illness or death with COVID–19 increases with age, especially older adults who are at the highest risk. This may be because SARS–CoV–2 spike proteins can weaken the DNA repair system of older people and consequently impede V(D)J recombination and adaptive immunity. In contrast, our data provide valuable details on the involvement of spike protein subunits in DNA damage repair, indicating that full–length spike–based vaccines may inhibit the recombination of V(D)J in B cells, which is also consistent with a recent study that a full–length spike–based vaccine induced lower antibody titers compared to the RBD–based vaccine. This suggests that the use of antigenic epitopes of the spike as a SARS–CoV–2 vaccine might be safer and more efficacious than the full–length spike. Taken together, we identified one of the potentially important mechanisms of SARS–CoV–2 suppression of the host adaptive immune machinery. Furthermore, our findings also imply a potential side effect of the full–length spike–based vaccine." [13]

Note that a degradation of the innate immune system response may place the product recipient at increased risk for disease beyond Covid-19.

The risk of degradation of innate immune system response should be fully disclosed as part of informed consent.

#### Risk of Myocarditis, Pericarditis and/or other Acute Coronary Syndrome conditions

A recent JAMA study has shown that the 7-day risk of myocarditis following mRNA COVID vaccination is around 133 times greater than the background risk in young males [14].

The study, conducted by researchers from the U.S. Centers for Disease Control (CDC) as well as from several U.S. universities and hospitals, examined the effects of vaccination with products manufactured by Pfizer-BioNTech and Moderna. The study's authors used data obtained from the CDC's VAERS reporting system which were cross-checked to ensure they complied with CDC's definition of myocarditis; they also noted that given the passive nature of the VAERS system, the number of reported incidents is likely to be an underestimate of the extent of the phenomenon.

	Reported cases of myo	carditis within a 7-d risk interval p	per million doses of vaccine ad	Expected cases of myocarditis in a 7-d risk interval per million doses	
	Vaccination with BNT1	62 <mark>b</mark> 2	Vaccination with mRNA-1273 <sup>b</sup>		
	First dose	Second dose	First dose	Second dose	(95% CI) <sup>c</sup>
Males					
Age group, y					
12-15	7.06 (4.88-10.23)	70.73 (61.68-81. <mark>1</mark> 1)			0.53 (0.40-0.70)
16-17	7.26 (4.45-11.86)	105.86 (91.65-122.27)			1.34 (1.05-1.72)
18-24	3.82 (2.40-6.06)	52.43 (45.56-60.33)	10.73 (7.50-15.34)	56.31 (47.08-67.34)	1.76 (1.58,1.98)
25-29	1.74 (0.78-3.87)	17.28 (13.02-22.93)	4.88 (2.70-8.80)	24.18 (17.93-32.61)	1.45 (1.21-1.74)
30-39	0.54 (0.20-1.44)	7.10 (5.26-9.57)	3.00 (1.81-4.97)	7.93 (5.61-11.21)	0.63 (0.54.0.73)
40-49	0.55 (0.21-1.48)	3.50 (2.28-5.36)	0.59 (0.19-1.82)	4.27 (2.69-6.78)	0.78 (0.67-0.90)
50-64	0.42 (0.17-1.01)	0.68 (0.33-1.43)	0.62 (0.28-1.39)	0.85 (0.41-1.79)	0.77 (0.68-0.86)
≥65	0.19 (0.05-0.76)	0.32 (0.10-1.00)	0.18 (0.05-0.72)	0.51 (0.21-1.23)	
Females					
Age group, y					
12-15	0.49 (0.12-1.98)	6.35 (4.05-9.96)			0.17 (0.11-0.29)
16-17	0.84 (0.21-3.37)	10.98 (7.16-16.84)			0.42 (0.27-0.66)
18-24	0.18 (0.03-1.31)	4.12 (2.60-6.54)	0.96 (0.31-2.96)	6.87 (4.27-11.05)	0.38 (0.30-0.49)
25-29	0.26 (0.04-1.84)	2.23 (1.07-4.69)	0.41 (0.06-2.94)	8.22 (5.03-13.41)	0.48 (0.35-0.65)
30-39	0.72 (0.32-1.60)	1.02 (0.49-2.14)	0.74 (0.28-1.98)	0.68 (0.22-2.10)	0.47 (0.39-0.57)
40-49	0.24 (0.06-0.97)	1.73 (0.98-3.05)	0.18 (0.02-1.25)	1.89 (0.98-3.63)	0.89 (0.77-1.04)
50- <mark>64</mark>	0.37 (0.15-0.88)	0.51 (0.23-1.14)	0.65 (0.31-1.36)	0.43 (0.16-1.15)	1.00 (0.89-1.13)
≥65	0.08 (0.01-0.54)	0.35 (0.13-0.92)		0.26 (0.08-0.81)	

Table 2. Reports to VAERS After mRNA-Based COVID-19 Vaccination That Met the CDC's Case Definition for Myocarditis Within a 7-Day Risk Interval per Million Doses of Vaccine Administered

**Figure 2:** Reports to VAERS after mRNA-Based Covid-19 Vaccination That Met the CDC's Case Definition for Myocarditis Within a 7-day Risk Interval per Million Doses of Vaccine Administered [14]

From Figure 2 above (Table 2: Reports to VAERS after mRNA-Based Covid-19 Vaccination that met the CDC's case definition for myocarditis withing a 7-day risk interval per million doses of vaccine administered)

Males, Age Group 12-15, vaccination with BNT162b2 (Pfizer):

- Second Dose: 70.73 (Reported cases of myocarditis per million doses administered)
- Expected Cases : 0.53 (background rate of myocarditis in this age/sex group, 2017-2019)

70.73/0.53 = 133.45 or 133 times the background rate

A recent study suggests that the presence of the full-length spike protein alone may be sufficient to cause cardiovascular damage.

"It was found that the treatment of cultured primary human pulmonary artery smooth muscle cells (SMCs) or human pulmonary artery endothelial cells with the recombinant SARS-CoV-2 spike protein S1 subunit is sufficient to promote cell signaling (cellular changes) without the rest of the viral components [15]. Furthermore, our analysis of the postmortem lung tissues of patients who died of COVID-19 has determined that these patients exhibited pulmonary vascular wall thickening, a hallmark of pulmonary arterial hypertension (PAH) [15]. Based on these results, we proposed that the SARS-CoV-2 spike protein (without the rest of the viral components) triggers cell signaling events that may promote pulmonary vascular remodeling and PAH as well as possibly other cardiovascular complications [15], [16]." [17]

"Recent observations suggest that the SARS-CoV-2 spike protein can by itself trigger cell signaling that can lead to various biological processes. It is reasonable to assume that such events, in some cases, result in the pathogenesis of certain diseases.

Our laboratory only tested the effects of the SARS-CoV-2 spike protein in lung vascular cells and those implicated in the development of PAH. However, this protein may also affect the cells of systemic and coronary vasculatures, eliciting other cardiovascular diseases such as coronary artery disease, systemic hypertension, and stroke. In addition to cardiovascular cells, other cells that express ACE2 have the potential to be affected by the SARS-CoV-2 spike protein, which may cause adverse pathological events. Thus, it is important to consider the possibility that the SARS-CoV-2 spike protein produced by the new COVID-19 vaccines triggers cell signaling events that promote PAH, other cardiovascular complications, and/or complications in other tissues/organs in certain individuals (Figure 3). We will need to monitor carefully the long-term consequences of COVID-19 vaccines that introduce the spike protein into the human body." [17]

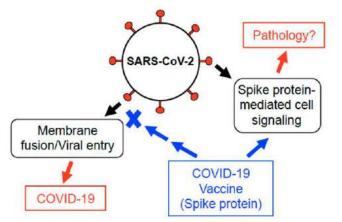


Figure 3: Possible actions of the SARS-CoV-2 spike protein. [17]

"The SARS-CoV-2 spike protein of the intact virus targets ACE2 of the host cells to facilitate the membrane fusion and the viral entry. The SARS-CoV-2 spike protein also elicits cell signaling in human cells [15], [18]. COVID-19 vaccines introduce the spike protein into the human body. In addition to eliciting an immune response that suppresses the viral entry, the spike protein produced by the COVID-19 vaccines may also affect the host cells, possibly triggering adverse events. Further investigations addressing this possibility are warranted [16]." [17]

The Pfizer BNT162B2, Moderna mRNA-1273 and Janssen Ad26.COV2.S products all encode for and produce full-length spike proteins.

A recent presentation by the Canadian Covid Care Alliance, a group of over 500 independent Canadian doctors, scientists and health care practitioners echoed these concerns about myocarditis in youth and athletes. That presentation is attached as Appendix B.

The risk of developing heart inflammation, and associated heart muscle damage, should be fully disclosed as part of informed consent.

#### **Risk of other Short- and Long-Term Side Effects**

Established in 1990, the Vaccine Adverse Event Reporting System (VAERS) is a national early warning system to detect possible safety problems in U.S.-licensed vaccines. VAERS is co-managed by the Centers for Disease Control and Prevention (CDC) and the U.S. Food and Drug Administration (FDA).

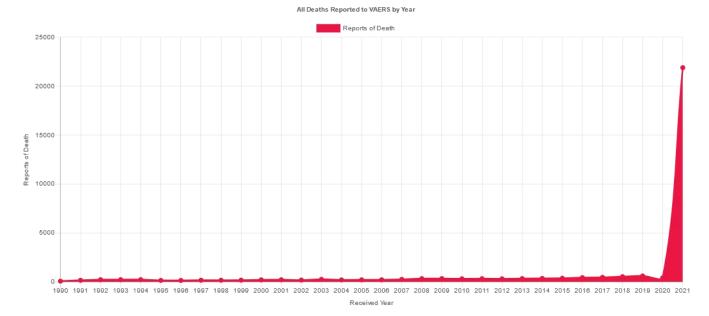
The following short-term adverse events have been reported via the Vaccine Event Reporting System (VAERS) as related to novel COVID 19 mRNA and recumbent gene therapies as of February 25, 2022 [19]:

- Total Covid Vaccine Data Reports (1,151,448)
- Deaths (24,827)
- Hospitalizations (135,783)
- Urgent Care Visits (121,670)
- Doctor Office Visits (178,014)
- Severe Allergic Reaction (40,382)
- Life Threatening (28,349)
- Heart Attack (12,731)
- Myocarditis/Pericarditis (35,303)
- Bell's Palsy (14,364)
- Anaphylaxis (9,335)
- Thrombocytopenia/Low Platelet (5,812)
- Miscarriages (4,209)
- Shingles (12,701)
- Permanent Disability (45,615)

Adverse events are underreported VAERS as typically only a fraction of total adverse events are entered into VAERS. "VAERS investigators participated on a panel to explore the perspective of clinicians, electronic health record (EHR) vendors, the pharmaceutical industry, and the FDA towards systems that use proactive, automated adverse event reporting. Adverse events from drugs and vaccines are common, but underreported. Although 25% of ambulatory patients experience an adverse drug event, less than 0.3% of all adverse drug events and 1-13% of serious events are reported to the Food and Drug Administration (FDA). Likewise, fewer than 1% of vaccine adverse events are reported. Low reporting rates preclude or slow the identification of "problem" drugs and vaccines that endanger public health. New surveillance methods for drug and vaccine adverse effects are needed." [20]

Given the level of under reporting that is known to occur in VAERS [20] the question is raised: Do the adverse events reported above [19] represent the extent of these issues or are they simply the tip of an iceberg?

Figure 4 illustrates annual deaths reported to VAERS since its inception in 1990.



#### Figure 4: All Deaths Reported to VAERS by Year [19]

Figure 5 illustrates VAERS Covid Vaccine reports of death as a function of days to death onset post vaccination. Note that the majority of deaths occur within the first 3 days post vaccination. This implies a causal relationship.

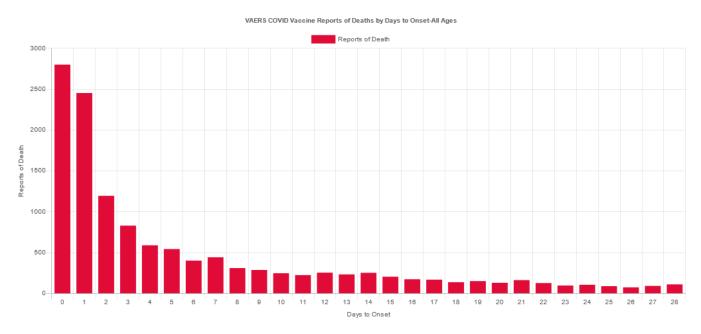


Figure 5: VAERS COVID Vaccine Reports of Deaths by Days to Onset - All Ages [19]

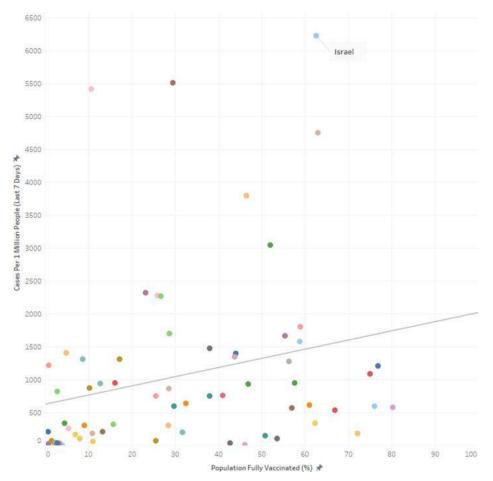
A collection of medical journal articles associated with adverse events observed to date associated with these novel Covid-19 products is included as <u>Appendix A: Sampling of Covid-19 vaccination associated Adverse Events</u> (<u>AEs</u>). Note that these Adverse Events are short-term. The Long-Term safety profiles of these novel products have not been determined.

The risk of short-term adverse events should be fully disclosed as part of informed consent.

#### Novel products do not prevent infection or transmission of SARS-CoV-2

A recent report published in the European Journal of Epidemiology evaluating cases per million people across 68 countries shows a slightly increase in new Covid-19 cases associated with countries having a higher percentage of population fully vaccinated [21]. For a sterilizing vaccine (one that prevents infection and transmission) a decreasing trend in cases with increasing vaccination rates would be expected.

"At the country-level, there appears to be no discernable relationship between percentage of population fully vaccinated and new COVID-19 cases in the last 7 days (Fig. 6). In fact, the trend line suggests a marginally positive association such that countries with higher percentage of population fully vaccinated have higher COVID-19 cases per 1 million people. Notably, Israel with over 60% of their population fully vaccinated had the highest COVID-19 cases per 1 million people in the last 7 days." [21]



**Figure 6:** Relationship between cases per 1 million people (last 7 days) and percentage of population fully vaccinated across 68 countries as of September 3, 2021 [21].

The risk of infection and transmission post-vaccination should be fully disclosed as part of informed consent.

#### Waning product efficacy and "booster" doses

A recent study out of Israel illustrates that immune escape variants readily spread among a highly vaccinated population only 4 to 6 months post vaccination.

"A nosocomial (hospital) outbreak of SARS-CoV-2 Delta variant infected 42 patients, staff and family members; 39 were fully vaccinated. The attack rate was 10.6% (16/151) among exposed staff and reached 23.7% (23/97) among exposed patients in a highly vaccinated population, 16–26 weeks after vaccination (median: 25 weeks). All cases were linked and traced to one patient. Several transmissions occurred between individuals wearing face masks. Fourteen of 23 patients became severely sick or died, raising a question about possible waning immunity" [22]

The mitigation strategy for waning product efficacy thus far has been to focus on additional "booster" doses of the original Pfizer, Moderna and Johnson & Johnson products, products that were developed to induce an immune response to target the initial "Wuhan" strain spike proteins of SARS-CoV-2. As a result of this selective immune pressure the early Wuhan strains have effectively gone extinct (Figure 7, B.1.1.7, B.1.526 and P.1) while the immune escape variants (Delta strains, B.1.617.2 and AY.3) largely bypass the initial protection afforded by these products. Note that this all happened over a period of just 3 months. "Boosting" again with the product formulations for the Wuhan strain appears to be a case of chasing diminishing returns when Delta has already achieved immune escape against this formulation. Unless a vaccine is sterilizing the virus will continue to mutate and spread. This process is repeating with Omicron now rapidly replacing Delta as the dominant strain.

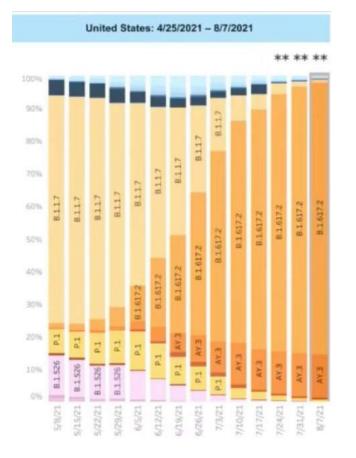


Figure 7: Delta strain immune escape variant becomes dominate in the U.S. (B.1.617.2) (credit P.M., MD)

Non-sterilizing products (which do not prevent infection or transmission) coupled with an increase in disease occurrence driven by immune escape variants place both vaccinated and unvaccinated at increased health and safety risk of contracting Covid-19.

Waning product efficacy post-vaccination should be fully disclosed as part of informed consent.

#### Novel products do not reduce viral load of SARS-CoV-2

A recent study out of Wisconsin compared RT-PCR cycle threshold (Ct) data from 699 test-positive anterior nasal swab specimens from fully vaccinated (n = 310) and unvaccinated (n=389) individuals. They focused on low cycle thresholds (less than 25 cycles). RT-PCR cycle threshold values less 25 have previously been associated with shedding of infectious SARS-CoV-2.

"We observed low Ct values (<25) in 212 of 310 fully vaccinated (68%) and 246 of 389 (63%) unvaccinated individuals. Low Ct values were detected in vaccinated people regardless of symptoms at the time of testing. Ct values <25 were detected in "158 of 232 unvaccinated (68%, CI: 62-74%) and 156 of 225 fully vaccinated (69%; CI: 63-75%) symptomatic individuals." [23]

The viral loads they observed were effectively the same regardless of vaccination status.

As these studies show no reduction in infection rates, transmission rates or symptomatic viral load between vaccinated and unvaccinated, they illustrate little if any collective benefit associated with these novel products.

#### Incomplete and compromised long-term Safety and Efficacy trials

Clinical trials are ongoing and not scheduled to complete until 2023 [24], [25], [26].

In several trials the control subjects have been unblinded and offered the novel products. This has effectively tainted the control group and compromised the validity of these trails [24], [25].

"Participants who originally received placebo will be offered the opportunity to receive BNT162b2 (Pfizer-BioNTech) at defined points as part of the study" [24].

"Participants who were previously enrolled in the mRNA-1273-P301 (Moderna) study, and chose to be unblinded. [25]"

This unblinding of the placebo (control) groups is illustrated in Figures 8 and 9 for the Pfizer trial.

### WHAT WAS SUPPOSED TO HAPPEN

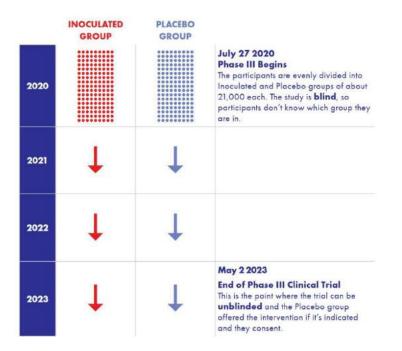


Figure 8: Pfizer clinical trial as originally planned [27]

### WHAT ACTUALLY HAPPENED

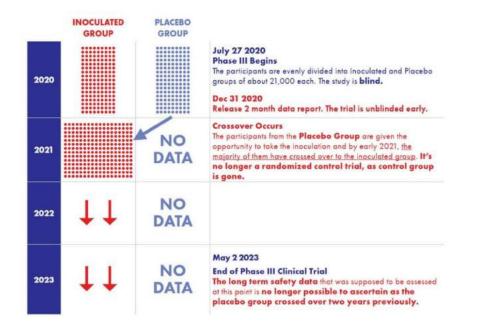


Figure 9: Pfizer clinical trial as executed [27]

The unblinding of the Randomized Clinical Trials (RCTs) should be fully disclosed as part of informed consent.

### FDA Approved Comirnaty versus the FDA-authorized Pfizer-BioNTech COVID-19 Vaccine under EUA

By approving BioNTech product Comirnaty, which is currently available in Europe but unavailable in the Washington State [28] the FDA may have inadvertently given the impression that the available Pfizer (BNT162b2) product is FDA approved when in fact it's EUA has simply been extended.

"The FDA-approved COMIRNATY (COVID-19 Vaccine, mRNA) and the FDA-authorized Pfizer-BioNTech COVID-19 Vaccine (BNT162b2) under Emergency Use Authorization (EUA) have the same formulation and can be used interchangeably to provide the COVID-19 vaccination series. The licensed vaccine has the same formulation as the EUA-authorized vaccine and the products can be used interchangeably to provide the vaccination series without presenting any safety or effectiveness concerns. *The products are legally distinct with certain differences that do not impact safety or effectiveness.* [1] "

From the FDA Letter of Authorization to Pfizer dated January 3, 2022, Section I [28]:

Criterion for Issuance of Authorization, Paragraph C: "There is no adequate, approved, and available alternative<sup>19</sup> Pfizer-BioNTech COVID-19 Vaccine to prevent COVID-19."

Note 19: "Although COMIRNATY (COVID-19 Vaccine, mRNA) is approved to prevent COVID-19 in individuals 16 years of age and older, there is not sufficient approved vaccine available for distribution to this population in its entirety at the time of reissuance of this EUA. Additionally, there are no COVID-19 vaccines that are approved to provide: COVID-19 vaccination in individuals 5 through 15 years of age; a third primary series dose to certain immunocompromised populations described in this EUA; a homologous booster dose to the authorized population described in this EUA; or a heterologous booster dose following completion of primary vaccination with another authorized COVID-19 vaccine."

The legal difference is that "Comirnaty" is FDA approved for interstate commerce and marketing while the Pfizer (BNT162b2) product is still under Emergency Use Authorization (EUA). Under the 2005 Public Readiness and Emergency Preparedness (PREP) Act vaccine manufacturers have full legal and financial immunity from any injury or damages incurred resulting from an EUA product [29]. From a legal perspective this means that all of the other EUAs issued for Moderna, J&J, etc. can remain in force as the EUA nullification conditions of (a) FDA approval and (b) product availability in the US have not been met with the BioNTech Corminaty product. If an FDA Approved and *available* product to treat Covid-19 were to come onto the US market it would legally nullify all other active EUAs [30]. This also means that currently all of the EUA products retain full legal and financial immunity for their manufacturers.

At this time the Moderna product is being approved under the trade name "SpikeVax". It is anticipated that this product will not be made initially available in the US market in a similar fashion to Corminaty, and that the available Moderna product will remain under EUA for the foreseeable future.

## Lack of FDA Approved and Licensing for products currently available in Washington State

None of these novel products currently available in the Washington State are FDA approved nor licensed, rather these have been authorized under Emergency Use Authorization (EUA). An EUA is a legal designation that allows

for the distribution of an experimental treatment or other medical agent prior to completion of clinical safety and efficacy trials and thus prior to formal FDA Approval. An EUA is not the same as an FDA approval or FDA Licensing [30].

As long-term clinical safety trials are incomplete and compromised (unblinded), and as the long-term (multiyear) safety profiles have yet to be established, these novel medical products are, by definition, experimental in nature.

### The Nuremburg Code and Voluntary Informed Consent

"The judgment by the war crimes tribunal at Nuremberg laid down 10 standards to which physicians must conform when carrying out experiments on human subjects in a code that is now accepted worldwide.

This judgment established a new standard of ethical medical behavior for the post World War II human rights era. Amongst other requirements, this document enunciates the requirement of voluntary informed consent of the human subject. *The principle of voluntary informed consent protects the right of the individual to control his own body.*" [31]

1. "The voluntary consent of the human subject is *absolutely essential*.

This means that the person involved should have legal capacity to give consent; should be so situated as to be able to *exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion*; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision. This latter element requires that, before the acceptance of an affirmative decision by the experimental subject, there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; *all inconveniences and hazards reasonably to be expected; and the effects upon his health or person, which may possibly come from his participation in the experiment*.

The duty and responsibility for ascertaining the quality of the consent rests upon *each individual who initiates, directs or engages* in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity." [32]

#### United Nations (UNESCO) Universal Declaration on Bioethics and Human Rights

From the UN Universal Declaration of Human Rights, Article 6, Section 1 [33]. "Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice."

#### <u>Summary</u>

In summary the following concerns are raised with respect to these novel mRNA and recumbent DNA gene therapy products:

- 1) These novel Covid-19 products do not prevent Covid-19 infection.
- 2) These novel Covid-19 products do not prevent SARS-CoV-2 transmission.
- 3) What personal (non-collective) benefit these products do provide wanes rapidly over the course of months necessitating booster doses. The boosters are currently still "tuned" to the original formula for the Wuhan strain of SARS-CoV-2, which is now effectively extinct in the wild. Boosting against new variants (Delta, Omicron) that have already immune escaped the initial strain protection stands to be a case study in diminishing returns. Boosting with updated formulation(s) against these immune escape variants will drive new variants (wash, rinse, repeat).
- 4) Significant severe short term adverse effects (including death) have been reported via VAERS [19], medical journals (see Appendix A, attached) and are documented in the Pfizer Post-Authorization Analysis (which includes 9 pages of Adverse Events of Special Interest) [10]. Repeated doses may have a cumulative effect (majority of myocarditis cases in young men occur within 7 days of the 2<sup>nd</sup> dose of Covid-19 mRNA product administration) [14]. The concern is raised that these novel products place recipients at risk of significant health and financial harm based on the observed short term side effects and a history of failed vaccine development attempts for this family of viruses.
- 5) Long term side effects are unknown, however early evidence is suggestive of Antibody Dependent Enhancement of Disease (ADE), Vaccine Associated Enhanced Disease (VAED), downgrading of the innate immune system in favor of spike protein specific antibody development (original antigenic sin) which viral variants have already found a way around (immune escape) and the potential of long term consequences of vaccine induced endotheliitis (myocarditis and pericarditis).
- 6) The concern is raised that the vaccinated population may be at increasing risk of catching and transmitting SARS-CoV-2 variants due to ADE/VAED [10], [11]. Non-sterilizing products (products which do not prevent infection or transmission) coupled with an increase in disease occurrence driven by immune escape variants place both vaccinated and unvaccinated at increased risk of Covid-19.
- 7) Under EUA law [29] the product manufacturers are immune from legal and financial responsibility for any adverse health effects or associated damages. Legal and financial liability for any short or long-term adverse events associated with the incentivization of these novel products is unclear, and may ultimately fall on those individuals and organizations incentivizing, coercing and/or mandating their usage.
- 8) Given the observed short-term adverse events and the lack of long-term safety data, the mandating of novel Covid-19 gene therapies for students as a condition of public school attendance may ultimately be adjudicated as medical coercion in violation of Informed Consent.
- 9) The concern is raised that Fully Informed Consent is not being provided and attained during the administration of these experimental EUA products, and that legal and lawful action may be brought against those who fail to adequately and fully disclose the risks identified in this document as a necessary part of Fully Informed Consent [30]. The same applies to individuals or organizations that

initiate or direct people to engage in these medical experiments. Where this is medical risk there must be free choice (Nuremburg, UNESCO).

8TH day of MARCH Dated this the 20 Signature of Affiant 8 day of March SWORN to and subscribed before me, this the 2022. STACOF W. STACOF W. xpires Manel Hilton Notary Public April 2 ,2025 My commission expires

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## Appendix A

## Sampling of Covid-19 vaccination associated Adverse Events (AEs) observed to date

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### Appendix B

### More Harm Than Good

Presentation by the Canadian Covid Care Alliance, December 16, 2021

www.canadiancovidcarealliance.org

### THE PFIZER INOCULATIONS FOR COVID-19

# **MORE HARM** THAN GOOD



Contact us info@canadiancovidcarealliance.org www.canadiancovidcarealliance.org



# WHO WE ARE

# Our alliance of over 500 independent Canadian doctors, scientists, and health care practitioners is

committed to providing quality, balanced, evidence-based information to the Canadian public about COVID-19 so that hospitalizations can be reduced, lives saved, and our country safely restored to normal as quickly as possible.



**WE SUPPORT** 

The doctor/patient relationship and personalized care

**Informed consent** and treatment options

Free and open scientific discourse

Safe & effective vaccines





# FIRST, DO NO HARM

The federal, provincial and municipal governments in Canada have a responsibility to protect the health of Canadians as well as our Charter Rights and Freedoms. Any medical interventions approved by Health Canada must first be PROVEN SAFE.

Due diligence in research, as well as adherence to established protocols of the doctor/patient relationship, informed consent and scientific inquiry are essential to carrying out that responsibility.

Deviating from those practices, causing harm and failing to disclose risks of harm is negligent at best.





## OVERVIEW

#### Hierarchy of evidence

#### Pfizer's 2 month data report, Dec 31 2020

- ARR vs RRR explained VIDEO
- Early unblinding of Pfizer's randomized control trial

#### Pfizer's 6 month data report, Sep 15 2021

- Increased risk of illness
- Increased risk of death

#### The Pfizer Trials - What went wrong

- Pfizer did not follow established protocols
- Misleading demographics Wrong age
- <u>Misleading demographics Tested on healthy</u>, given to sick
- Inadequate control groups
- Did not track biomarkers
- Wrong clinical endpoints
- Not tested for spread reduction
- Subjective testing
- Missing data Lost to follow up and Suspected, but unconfirmed

- Failure to test Why it matters
- <u>12 15 trial All risk, no benefit</u>
- <u>12 15 trial Failure to report serious adverse</u> events
- 5 11 year olds Risking their health
- Myocarditis is serious
- The FDA abandons "First, do no harm"
- <u>5 11 year olds No informed consent</u>
- The BMJ Pfizer trial whistleblower article

#### A critical eye on the Sep 15 2020 report

- 6 month data manipulation Mixed cohorts
- The Pfizer trials did not prove safety they proved harm

#### How this is playing out in the real world

- Roll out surveillance You don't find what you
   don't look for
- <u>Rising incidents of heart issues in young people</u>
   <u>(Ontario Public Health Report)</u>
- This is not normal High incidences of deaths in athletes (German, Israeli news articles)

- This is supposed to be rare VIDEO of athletes collapsing
- <u>Pfizer's post marketing pharmacovigilance</u> report

#### Considerable evidence of conflict of interest

- Pfizer is making billions
- The public record of Pfizer's corporate culture
- Links to articles on Pfizer's past behaviour
- Conflicts of interest among Pfizer report authors
- The CDC has redefined "vaccine"
- <u>The media has been captured VIDEO</u>

This is no way to manage a supplier The inoculations should be withdrawn immediately

Recommended reading & viewing

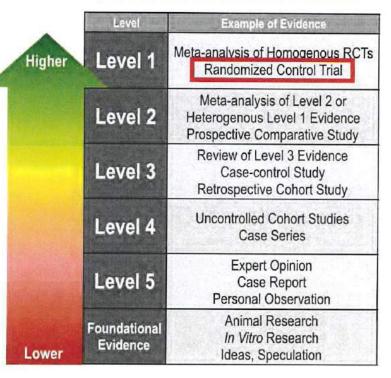


6

# THE HIERARCHY OF EVIDENCE

- A randomized control trial is LEVEL 1
   Evidence, the highest form of evidence there is. It is considered the Gold Standard and is the only way to prove something is true.
- Models are LEVEL 5 or lower as they are expert opinion/speculation.
- Policy should be determined by the highest level of evidence available, LEVEL 1.

### **Levels of Scientific Evidence**

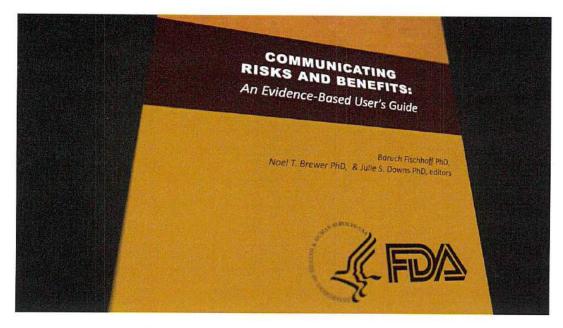


### PFIZER'S ORIGINAL TRIAL REPORT DECEMBER 31 2020

- Published in New England Journal of Medicine
- Showed 2 months worth of safety & efficacy data
- Described starting with 43,548 people divided into:
  - 1. Treatment group (received inoculation)
  - 2. **Control group** (received saline) for 2 months to see who developed COVID-19
- The claim was that the inoculations were safe and showed 95% efficacy
   7 days after the 2nd dose. But that 95% was actually Relative Risk
   Reduction. Absolute Risk Reduction was only 0.84%.

RESEARCI	ISUMMARY	
CLINICAL PROBLEM Safe and effective vaccines to provint severe acute explicatory yourknine coronavina 2 (SARS-GAV-2) infection and Gorda U2 are ingently needed. No vaccines that present igainst becareturnationses are currently available, and milliAn-based vaccines have not been widely tested. CLINICAL TRACK A mindombred, double-blind study of an mRNA vaccine needing the SARS-GOV-2 spike protein.	162b2 mRNA Covid It: 10.1056/NE/Me2094577	-19 Vaccine
43,548 grant/cipants 216 years old were avaigned to receive the vaccine or placebo by intramuscular injection in day 6 and day 21, Participants were followed for altery and for the development of symptomatic Covid-10 are a median of 2 months.	24. 04. 03. 02. 02. 04.	Placebo
ACCUTS Safety: Acche recipients hud focal reactions (pain, erythema, welling) and systemic reactions (e.g., feter, headache, mydigka) achigher raise than placebo recipients, with mater reaction following the securit down. Most were mild to moderate and resolved rapidly.	Comparison of the second secon	The second s
ifficacy: The vaccine showed protection 7 days after the second lose; 95% efficacy was observed.	04- 05- 0-3 (4 /2 /2 /3 /2 /1 /5	61 76 77 64 91 94 155
IMITATIONS AND REMAINING QUESTIONS	Days after 1	Done i
urther study is required to understand the following:		
<ul> <li>Safety and efficacy beyond 2 months and in groups not included in this trial (e.g., children, pregnant women, and immanocompromised persons).</li> </ul>	Vaccine efficacy of 95% (95% credible interval, 90.3 -97.69	
Whether the vaccine protects against asymptomatic infection and transmission to unvaccinated persons.	CONCLUSIONS	accine were safe over
<ul> <li>How to ded with those who miss the second vaccine dose.</li> </ul>	Two doves of an mRNA-hased a a motion of two months and pro against symptomatic Covid-19 i age or older.	wided 95% protection n persons 16 years of
	the state of the s	

# ABSOLUTE RISK REDUCTION VS RELATIVE RISK REDUCTION



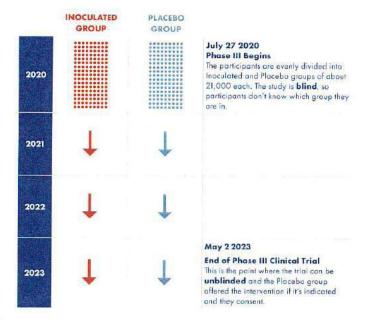
https://rumble.com/vobcg5-relative-vs-absolute-risk-reduction.html

CERCA

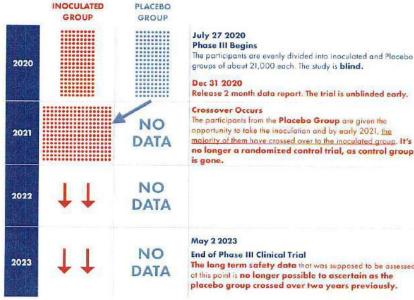


### EARLY UNBLINDING OF RANDOMIZED CONTROL TRIAL = NO LONG TERM SAFETY DATA

### WHAT WAS SUPPOSED TO HAPPEN



### WHAT ACTUALLY HAPPENED



no longer a randomized control trial, as control group

The long term safety data that was supposed to be assessed at this point is no longer possible to ascertain as the placebo group crossed over two years previously.

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PFIZER'S 6 MONTH REPORT DATA LEVEL 1 EVIDENCE OF HARM

- Pfizer's most recent report indicates an Efficacy of 91.3%.
   (Which means a reduction in positive cases compared to placebo group.)
- But it also showed, compared to the placebo group, an increase in illness and deaths.
- There is **no benefit to a reduction in cases** if it comes at the cost of **increased sickness and death**.

ORIGINAL ARTICLE	
Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine through 6 Months	
5.) Thomas, E.D. Moreita, Jr., N. Kitchin, J. Astalen, A. Gurteara, S. Iocshari, J.L. Perez, G. Pérez Marc, F.P. Polack, C. Zerbini, R. Bailey, K.A. Swanson, X. Xu, S. Roychoudhury, K. Koury, S. Bauguermouh, W.V. Kalna, D. Cooper, R.W. Frenck, Jr., L. Hammitt, O. Türce, H. Nell, A. Schafer, S. Unal, Q. Yang, P. Liberato, D.B. Tresana, S. Maher, P.R. Domitzer, U. Şahin, W.C. Gruber, and K.U. Jansen, for the C4591001 Clinical Trail Group <sup>a</sup>	
ABSTRACT	
LACKGROUND	
INTIGED is a lipid nanoparticle-formulated, nucleoside-modified RNA vacches reactions a prefixion-archiliza, in medicana-anchesed avere acute respinanzy syn- drume constantes 2 (SARS-CoV-2) full-length spike potenti. RNT162bb is highly filticalous against constanting disease 2019 (Covid-19) and is currently approved, conditionally approved, or authorized for emergency use worldwide. At the time of initial authorization, data beyond 2 months after vaccination were unavailable. Marketone internets and a substance of the spike of th	The addrey' fail mans, audems of press, and affections are intend in the Appendix Dr. Derentizer can be contact of at phil is downitere oppliest corn or a Price, 401 N. Middlebaws Rul, Pearl Siles BW 10965. "A list of the leventi gators in the C400100 Clinical Trial Group is provided in the Supplementary Appendix, available a
in an ongoing, placebo-controlled, observer-blinded, multinational, plyocal efficacy	NEM.org.
trial, we randomly assigned 44,365 participants 16 years of age or older and 2264 participants 12 to 15 years of age to receive two 30-ug doses, at 21 days apart, of NTIGD2 or placebo. The trial and points were vaccine efficacy against laboratory- confirmed Covid-39 and safety, which were both evaluated through 6 months after	This article was published on September 15 2021, at NEW org. M Engly Mod 2011;15:1100-43. DOI: 10.1016/1611/Mod2110145 Copyling Q 2011 Manufacture Madual Series.
necination.	CME
NUME NTIS522 continued to be safe and have an acceptable adverse-event profile. Few participants had adverse seemts leading to withdrawell from the trial. Vaccine ef- floaty against Covid-19 was 91.3% (95% confidence interval [CI], 80.0 to 93.20 intrough 6 months of follow-up among the participants without evidence of previ- nus SAR2-CoV-2 infection who could be evaluated. There was a gradual decline in reacher efficacy against server, of 86 to 100% was seen across numbries and in oppulations with diverse ages, sees, race or ethnic groups, and risk factors for 204/3 among participants without evidence of previous infection with SAR2- CoV-2. Vaccine efficacy against server disease was 96.7% (95% CI, 80.3 to 99.9, In iouth Africa, where the SAR2-CoV-2 variant of concern B1.381 to be bad was pre- fominant, a vaccine efficacy of 104% (95% CI, 93.5 to 100) was observed.	at Hit plang
ENECUSIONS Enrough 6 months of follow-up and despite a gradual decline in vaccine efficacy, NTIEG22 had a feverable safety profile and was highly efficienties in preventing Zorid-19, (Funded by BioNTech and Pfizer, Clinical Trials.gov number, NGT04568728.)	
N ENGLY MED 365/16 HEJM (210 - NOV (M SER 4, 2001	1761
The New Higjand Jownal of Medicine Downloaded from najmorg on November 10, 2021, For personal use only. No other uses wi Coppight © 2021 Manuschuretts Medical Society. All rights reserved.	the d permission.

https://www.nejm.org/doi/pdf/10.1056/NEJMoo2110345?orticleTools=true



# INCREASED RISK OF

#### Screen capture from Pfizer & Month Supplementary Appendix

Adverse Event	BNT162b2 (N*-21,926) n <sup>h</sup> (%)	Placebo (N*=21,921) n <sup>b</sup> (%)
Any event	6617 (30.2)	3048 (13.9)
Related	5241 (23.9)	1311 (6.0)
Severe	262 (1.2)	150 (0.7)
Life-threatening	21 (0.1)	26 (0.1)
Any serious adverse event	127 (0.6)	116 (0.5)
Relateded	3 (0.0)	0
Severe	71 (0.3)	66 (0.3)
Life-threatening	21 (0.1)	26 (0.1)
Any adverse event leading to withdrawal	32 (0.1)	36 (0.2)
Related	13 (0.1)	11 (0.1)
Severe	10 (0.0)	10 (0.0)
Life-threatening	3 (0.0)	7 (0.0)
Death	3 (0.0)	5 (0,0)

Table S3 | Participants Reporting at Least 1 Adverse Event from Dose 1 to 1 Month After Dose 2 During the Blinded Follow-up Period. The population included all 216-year-old participants who received 21 dose of vaccine irrespective of follow-up time. a. N=number of participants in the specified group. This value is the denominator for the percentage calculations. b. n=Number of participants reporting 21 occurrence of the specified event category. For 'any event', n=number of participants reporting 2.0 occurrence of any event. c. Assessed by the investigator as related to investigational product. d. Shoulder injury related to vaccine administration, right axillary lymphadenopathy, and paroxysmal ventricular arrhythmia (as previously reported). Adverse events for 12–15-year-old participants were reported previously.<sup>11</sup>

Safety and Efficacy of the BNT162b2 mRNA Cavid-19 Vaccine through 6 Months . Supplementary Appendix

A **significant increase in illness**, which the Pfizer inoculations were supposed to reduce.

	BNT162b2	Placebo	Risk Change
Efficacy (Meaning number of people diagnosed with COVID-19.)	77	850	<mark>-91</mark> %
<b>Related Adverse Event</b> (Meaning an investigator has assessed it as related to the BNT 162b2 injection.)	5,241	1,311	+300%
Any Severe Adverse Event [Interferes significantly with normal function.]	262	150	+75%
Any Serious Adverse Event (Involves visit to ER or hospitalization.)	127	116	+10%



# INCREASED RISK OF

Screen capture from Pfizer & Month Supplementary Appendix

Reported Cause of Deaths	BNT162b2 (N=21,926) n	Placebo (N=21,921)
Deaths	15	14
Acute respiratory failure	0	1
Aortic rupture	0	1000
Arteriosclerosis.	and the set of the ground states in the	D
Biliary cancer metastatic	0	1
COVID-19	0	2
COVID-19 pneumonia	CONTRACT OF CONTRACTOR	0
Cardiac arrest	Contraction of the Contraction of the	S CANCELLINE CONTRACTOR
Cardiac failure congestive	I	0
Cardiorespiratory arrest	and the second sec	1
Chronic obstructive pulmonary disease	1	0
Death	0	1
Dementia	0	1
Emphysematous cholecystitis	1	0
Hemorrhagic stroke	0	1
Flypertensive heart disease	A STATE OF A	.0
Lung cancer metastatic	1	0
Metastases to liver	0	1
Missing	0	1
Multiple organ dysfunction syndrome	0	2
Myocardial infarction	0	2
Overdose	0	1
Pneumonia	0	2
Sepsis	1	0
Septic shock	1	o
Shigella sepsis	1	0
Unevaluable event	1	0
ble S4   Causes of Death from Dose 1 to Un ultiple causes of death could be reported for ea l participants.		

Safety and Efficacy of the BNIT16252 mRNA Covid 12 Vacone through & Maritha - Supplementary Appendix

	BNT162b2	Placebo
Deaths before unblinding (In Table 54 of Supplementary Appendic)	15	14
Deaths after unblinding [Not in table, but mentioned in text of 6 month report See quote below]	5	
Total Deaths	20	14

"After unblinding" means when the Placebo participants were given the opportunity to "cross over" and take the BNT162b2 inoculation.\*

"...3 participants in the BNT162b2 group and 2 in the original placebo group who received BNT162b2 after unblinding died." Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine through 6 Months

#### **Concerning Causes of Death**

CONTRACTOR STATES AND	BNT16252	Placebo
Total COVID-19 Related Deaths		2
Deaths Related to Cardiovascular Events	9	5

\*A table is 19.525 subjects originally raidonized to placeby increased at least one does at BNT 16262 after inblinding (Dose 1) and Dose 4) and before the strate h 3.2021 data with

# THE PFIZER TRIALS WHAT WENT WRONG

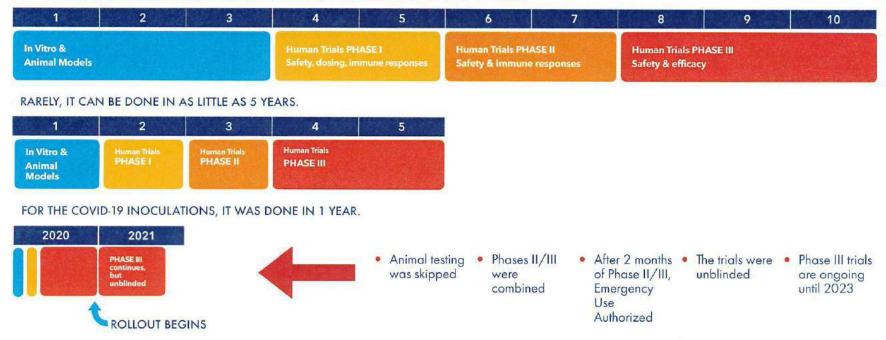
13



### PFIZER DID NOT FOLLOW ESTABLISHED PROTOCOLS

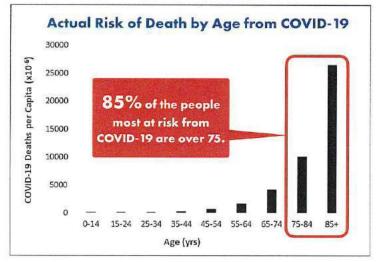
Regarding the persistent claim that the COVID-19 inoculation products do not need to be tested, because mRNA technology has already undergone testing: mRNA technology is the delivery mechanism, not the inoculation. That's like saying that since we've used syringes safely before, anything injected via syringe is safe. (And in fact, there are still a lot of unknowns about the effects of the mRNA delivery mechanism.)

NORMALLY, VACCINE DEVELOPMENT LOOKS LIKE THIS, WITH A TIMELINE OF 5 TO 10 YEARS.



### MISLEADING DEMOGRAPHICS WRONG AGE FOR TARGET POPULATION

When designing a trial for the efficacy and safety of a potential treatment, the focus should be on the target population who could most benefit from that treatment. Instead Pfizer chose participants from younger demographic that would be a) less likely to need a vaccine, b) less likely to suffer an adverse event during a trial, c) more likely to respond well to a vaccine, as the elderly have comparatively poor immune responses.



COVID-19 Deaths per capital by age in the United States (as of Jun 5, 2021). Reputation-based on U.S. CDC WONDER Bridge-Race Population Estimate 2019. Data obtained from <u>https://wondec.cdc.aov/bridged-tace-v2019.html</u>

	Pfizer Trial Demographics	5	
	pulation for the primary efficacy endpoi accived vaccine and placebo, stratified by	care and according to the second second	of
AGE GROUP	Pfizer-BioNTech COVID-19 Vaccine (N = $18,242$ ) n (%)	Placebo (N = 18,379) n (%)	
≥12 through 15 years <sup>b</sup>	46 (0.3 %)	42 (0.2 %)	_
≥16 through 17 years	66 (0.4 %)	68 (0.4 %)	Yet 75+ year olds
≥16 through 64 years	14,216 (77.9 %)	14,299 (77.8 %)	represent only 4% of
≥65 through 74	3176 (17.4 %)	3226 (17.6 %)	trial subjects.
>75 years	804 (4.4 %)	812 (4.4 %)	

FACT SHEET FOR HEALTHCARE PROVIDERS ADMINISTERING VACCINE (VACCINATION PROVIDERS) EMERGENCY USE AUTHORIZATION (EUA) OF THE FIRZER/BONTECH COVID-79 VACCINE TO FREVENT CORONAVRUS DISEASE 2019 (COVID-79) <u>https://lobaing.nfrace.com/Shawiahelog.org/kide/10471</u>

### MISLEADING DEMOGRAPHICS TESTED ON HEALTHY, GIVEN TO SICK



Pfizer Trial Protocols - Exclusions

#### REAL WORLD CO-MORBIDITIES

#### PFIZER TRIAL CO-CONDITIONS

**95% of people** who have died with COVID-19 have had at least 1 co-morbidity listed as cause of death. The average is 4 comorbidities.

litten //www.edt.ups/nchs/news/san/cased\_woodly/undex.html?

# Only **21%** had a co-existing condition.

https://www.nejm.org/doi/pdi/10.1056/NEIMoa20345 articleTools=true

### **IMPLICATIONS FOR ROLL OUT**

- We are told the inoculations are "safe." Yet many health conditions

   in fact a list several pages long were excluded from the trials, including pregnant or breastfeeding women, people with allergies, with psychiatric conditions, immunocompromised people, people with bleeding disorders, people who had previously tested positive for COVID-19, people who had been prescribed steroids, etc., so there has never been any data to make safety claims about those people. Yet they are also not excluded from mandates and vaccine passports.
- The vaccines were tested on the healthy, and then immediately given to the frailest members of the society - the elderly with multiple health conditions. This is unscientific and unethical.

16

Hickd+IvAR3 Jorg HTEK5-OCH G#Completion

CCRCA



### INADEQUATE CONTROL GROUPS

#### Pfizer only observed 2 groups:

- UNEXPOSED & INOCULATED
- UNEXPOSED & NOT INOCULATED

They should have included two more groups:

- EXPOSED & INOCULATED, people who had recovered, then got the inoculation, to see if the inoculation was safe for them
- EXPOSED & NOT INOCULATED people who were recovered and not inoculated to see how the inoculations stacked up against natural immunity





### CC CA

### LOW QUALITY SAFETY SCIENCE DIDN'T TRACK BIOMARKERS

As Kostoff et al. highlighted in a recent paper, "<u>Why are we vaccinating children against COVID-19</u>?" (highly recommended), that while the Pfizer trials tested for antibodies and tracked adverse events in terms of symptoms, **they didn't test for adverse events at the subclinical (pre-symptom) level.** 

This was extremely unsafe, because **symptoms/diseases are typically end points of processes** that can take months, years, or decades to surface. By the time you get to symptoms, things can have gone pretty wrong. (Think diabetes or high blood pressure, where the disease can be quite advanced before any symptoms accur.) **Pfizer should have been tracking biomarkers that would have been early warning indicators for disease caused by the inoculations.** 

### High quality safety science would have meant they should have tested before & after inoculation for:

- d-dimers for evidence of enhanced coagulation/clotting (several of our doctors have noticed increased levels of d-dimers in inoculated patients presenting with stroke like symptoms - video available here)
- · C-reactive protein for evidence of enhanced inflammation
- troponins for evidence of cardiac damage
- occludin and claudin for evidence of enhanced barrier permeability
- blood oxygen levels for evidence of enhanced hypoxia
- amyloid-beta and phosphorylated tau for evidence of increased predisposition to Alzheimer's disease
- Serum HMGB1, CXCL13, Dickkopf-1 for evidence of an increased disposition to autoimmune disease, etc.

Micro-clots resulting from the inoculation that were insufficient to cause observable symptoms could raise the baseline for thrombotic disease.

ROMAIDIN, KOSTOFF & ", DANJELA CALINA B, DARIA KANDUCIC, MICHAELB BRIGGS D, PANAVIOTIS VIACHOVIANINOPOLIJOŠ E, ANDREY A, SVISTUNIOV F AKISTOJIS TSATSARIS "WIDI ZBE UKE VACIDINATING CHILDREN ASARIST COMD-101"



The fear with COVID-19, was that it was going to **a**) **kill people**, **b**) make them sick.

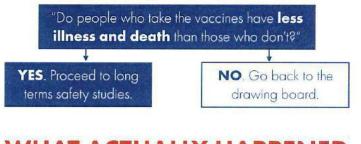
So any COVID-19 vaccine clinical trial should set out to ask the question "Do people who take the vaccines have less illness and death than those who don't?"

**Illness + Death should be the CLINICAL ENDPOINTS**. And not just illness + death with COVID-19, but **any and all illness and death**, in order to make sure that the vaccines are not causing harm.

This is well known. It was learned decades ago with cancer drug trials. At first, they used a clinical endpoint of "Did the drug shrink the cancer?" If it did, they called it effective. But it turned out the drugs were not only killing cancer, they were killing patients. They were forced to change the design of their trials and switch to "all cause mortality" as the primary endpoint instead and show that people receiving the drug actually live longer than those who don't. (J.Bart Classen has written an excellent research article on the subject. Read <u>here</u>.)

### WHAT SHOULD HAVE HAPPENED

(After the proper early safety phases of development were completed.







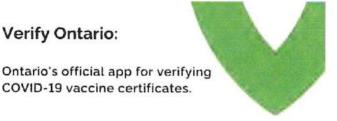
NOT TESTED FOR SPREAD REDUCTION VACCINE PASSPORTS UNJUSTIFIED

Although vaccine passports are now being used to ostensibly prevent or reduce transmission of COVID-19, this outcome was never studied in the trial and it is inappropriate to assign that capability to these inoculations. There is no evidence at all that they reduce the spread of disease and transmission was never one of the study's endpoints.

LIMITATIONS AND REMAINING QUESTIONS Further study is required to understand the following: Safety and efficacy beyond 2 months and in groups

- not included in this trial (e.g., children, pregnant women, and immunocompromised persons). Whether the vaccine protects against asymptomatic infection and transmission to unvaccinated persons.
- How to deal with those who miss the second
- vaccine dose.

#### Verify Ontario:





- When a business or organization scans a visitor's digital or paper OR code, this app will:
- protect user privacy by only reading certificates that are trusted and secure
- · check if a certificate is valid and the visitor can enter
- · show a visitor's name and date of birth so their identity can be verified
- · work offline (without an internet connection)



Download the Verify Onlario app at: ontario.ca/verify

Ontario 🕅

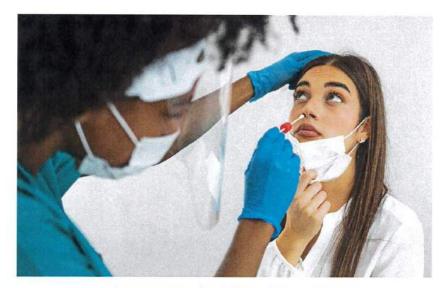
### TESTING FAILURES SUBJECTIVE TESTING

The Pfizer trials DID NOT test all participants for

**COVID-19.** Instead, they instructed their investigators to test only those with a COVID-19 symptom and **left it up to their discretion** to decide what those were.

This means that:

- Asymptomatic infection would be missed entirely
- A high level of subjectivity was introduced to the study - an investigator had the ability to sway the results
- The lack of objective systematic testing makes results unreliable



All participants should have been tested.

STO CA



# MISSING DATA LOST TO FOLLOW UP SUSPECTED, BUT UNCONFIRMED

#### **Confirmed** Cases

Dec 31 2020 Report

Subgroup		1716252 =18,198)		lacebo =18,325)	Vaccine Efficacy, 9 (95% CI)†
	No. of Cases	Surveillance Time (No. at Risk)*	No. of Cases	Surveillance Time (No. at Risk)*	

#### Lost to Follow Up

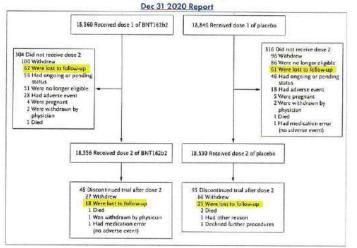
	INOCULATED GROUP	PLACEBO GROUP
ENDPOINT DATA - Confirmed COVID Cases	8	162
Participants Lost to Follow Up	80	86
Suspected, but Unconfirmed Cases	1,594	1,816

The basis for the Emergency Use Authorization was the Confirmed COVID cases of 8 vs 162, which meant a Relative Risk Reduction of 95%. But when dealing with such a small number of cases, any change can impact the results significantly.

Lost to follow up means they lost touch with those subjects and can't confirm whether they got sick or not. They don't know.

Suspected, but unconfirmed means these people were symptomatic for COVID-19, but were never tested. (Discretion for testing was left up to the investigator.)

The fact that the Lost to Follow Up and Suspected but Unconfirmed numbers are higher - and here they are even significantly higher - than the End Point numbers means that **this data is unreliable. The study should not have been accepted in this state.** In normal scientific practice they should have returned to investigate further.



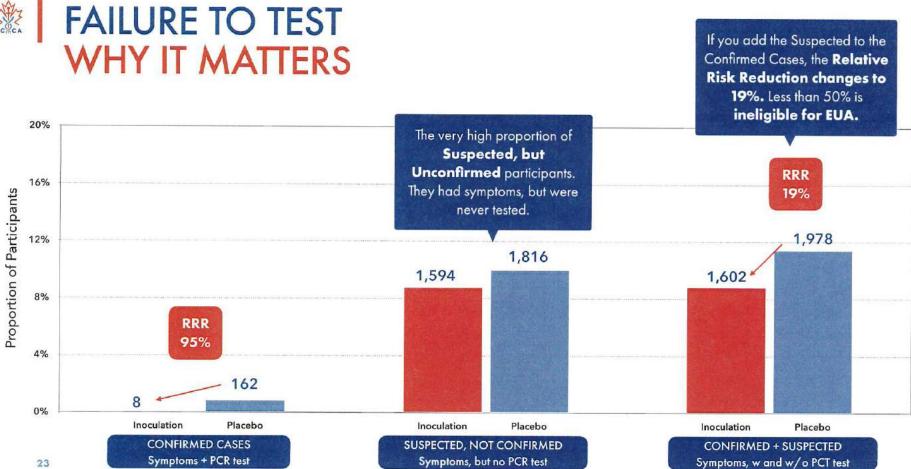
#### Suspected but Unconfirmed

Vaccines and Related Biological Products Advisory Committee Meeting December 10, 2020 FDA Briefing Document Pfizer-BioNTech COVID-19 Vaccine

Among 3410 total cases of suspected but unconfirmed COVID-19 in the overall study population, 1594 occurred in the vaccine group vs. 1816 in the placebo group. Suspected COVID-19 cases that occurred within 7 days after any vaccination were 409 in the vaccine group vs. 287 in the placebo group. It is possible that the imbalance in suspected COVID-19 cases occurring in the 7 days postvaccination preferesting vaccine reactogenicity with symptoms that overlap with those of COVID-19. Overall though, these data do not raise a concern that protocol-specified reporting of suspected, but unconfirmed COVID-19 cases soculd have masked clinically significant adverse events that would not have otherwise been detected.

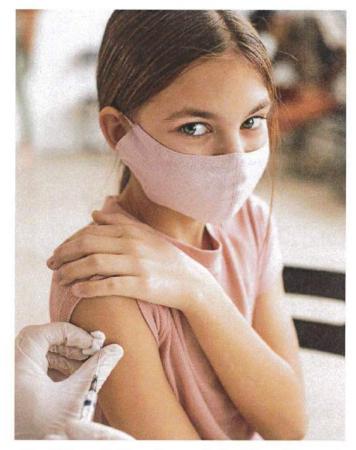
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### 12-15 ADOLESCENT TRIAL ALL RISK, NO BENEFIT

- This study was severely underpowered, as a study this small will not show up risk.
- Inoculated group 1,005 (0 tested positive for COVID-19)
- Placebo group 978 (18 tested positive for COVID-19)
- Pfizer claimed these were great results, but since adolescents are at statistically 0% risk of death from COVID-19, and very low risk of severe illness, the inoculation is of little benefit to them. Instead, it presents a very real risk of adverse events.
- But the adolescent Pfizer study wasn't actually designed to find those. A serious adverse event, including death, that occurred at a 1/800 rate might not even show up in a sample of 1,005 people.
- But in this case, it did. Among the 1,005 adolescents, there WAS at least one serious adverse event Maddie de Garay.



"For children without a serious medical condition, the danger of severe Covid is so low as to be difficult to quantify." -COVID AND AGE, Oct 12, 2021, New York Times



### 12 -15 ADOLESCENT TRIAL FAILURE TO REPORT SERIOUS ADVERSE EVENTS

**Maddie de Garay** is a 12 year old trial participant who developed a <u>serious reaction</u> after her second dose and was hospitalized within 24 hours.

Maddie developed gastroparesis, nausea and vomiting, erratic blood pressure, memory loss, brain fog, headaches, dizziness, fainting, seizures, verbal and motor tics, menstrual cycle issues, lost feeling from the waist down, lost bowel and bladder control and had an nasogastric tube placed because she lost her ability to eat. She has been hospitalized many times, and for the past **10 months she has been wheelchair bound and fed via tube.** 

In their report to the FDA, **Pfizer described her** injuries as "functional abdominal pain."

 One participant experienced an SAE reported as generalized neuralgia, and also reported 3 concurrent non-serious AEs (abdominal pain, abscess, gastrilis) and 1 concurrent SAE (constipation) within the same week. The participant was eventually diagnosed with functional abdominal pain. The event was reported as ongoing at the time of the cutoff date.

Emergency, Use Authorization Amendment





### CCRCA

### 5 - 11 YEAR OLDS RISKING THEIR HEALTH

#### Re: the 5 to 11 year old cohort

In this table, **Pfizer, using predictive modelling** acknowledges that their inoculations WILL cause myocarditis, but optimistically claims there will be zero deaths from myocarditis in any of their modelled (speculation, level 5 evidence) scenarios.

But even if it were true, there is no justification for causing harm to children this way. **FIRST, DO NO HARM.** 

There is now such a high expectation of heart problems from the inoculations among children that Sick Kids is putting out brochures on how to deal with them.

> SickKids Myocarditis and pericarditis after mRNA COVID-19 vaccination in children: interim guidance

#### EDA BRIEFING DOCUMENT EUA AMENDMENT REQUEST FOR PFIZER-BIONTECH COVID-19 VACCINE FOR USE IN CHILDREN 5 THROUGH 11 YEARS OF AGE

Table 14. Model-Predicted Benefit-Risk Outcomes of Scenarios 1-6 per One Million Fully Vaccinated Children 5-11 Years Old

		Bene				Ris	sks	
Sex	Prevented COVID-19 Cases	Prevented COVID-19 Hospitalizat ions	Prevented COVID-19 ICU Admissions	Prevented COVID-19 Deaths	Excess Myocarditis Cases	Hospitalizat	Excess Myocarditis ICU Admissions	Exces Myocarditi Death
Males & Females								
Scenario 1	45.773	192	62	1	106	58	34	
Scenario 2	54,345	250	80	1	106	58	34	
Scenario 3	2.639	21	7	0	106	58	34	
Scenario 4	58,851	241	77	1	106	58	34	
Scenario 5	45,773	192	62	3	106	58	34	
Scenario 6	45,773	192	62	1	53	29	17	(
Males only	1				Terror and			
Scenario 1	44,790	203	67	1	179	98	57	(
Scenario 2	54,345	250	82	1	179	98	57	(
Scenario 3	2,639	21	7	0	179	98	57	(
Scenario 4	57,857	254	83	1	179	98	57	(
Scenario 5	44,790	203	67	3	179	98	57	(
Scenario 6	44,790	203	67	1	89	49	29	(
Females only		1			NO. OF CHANNEL		The Train	
Scenario 1	45,063	172	54	1	32	18	10	(
Scenario 2	54,345	250	78	2	32	18	10	
Scenario 3	2.639	21	7	0	32	18	10	
Scenario 4	57,938	215	67	2	32	18	10	
Scenario 5	45,063	172	54	4	32	18	10	0
Scenario 6	45.063	172	54	1	16	9	5	1 0

cenano 1, COVID-19 incidence as of September 11, 2021, VE 70% vs. COVID-19 cases and 80% vs. COVID-19 hospitalization, cenario 2; COVID-19 incidence at peak of U.S. Delta vanant surge at end of August 2021, VE 70% vs. COVID-19 cases and 80% (COVID-19 hospitalization, tenario 3; COVID-19 incidence as of nada and 2021, VE 70% vs. COVID-19 cases and 80% vs. COVID-19 cases and 80%

nario 4: COVID-19 incidence as of Se

nario 5: COVID-19 case incidence as

pitalization, COVID-19 death rate 300

hario 6. COVID-19 incidence as of Se

ss myocarditis cases 50% of Scenari

Low Level (Level 5 Evidence) SPECULATION - A Predictive Model



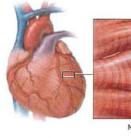
### MYOCARDITIS IS SERIOUS

#### **MYOCARDITIS**

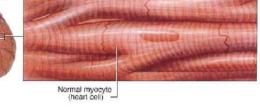
"Myocarditis is an inflammatory process of the myocardium. (Heart muscle.) **Severe myocarditis weakens your heart** so that the rest of your body doesn't get enough blood. Clots can form in your heart, **leading to a stroke or heart attack.**"

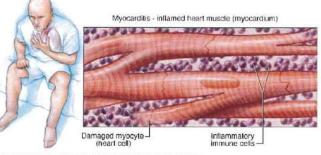
THE US NATIONAL CENTRE FOR BIOTECHNOLOGY INFORMATION

"The mortality rate is up to 20% at 6.5 years."



Normal heart muscle (myocardium)





O MAYO POLANDATION FOR MEDICAL EDUCATION AND RESEARCH, ALL RIGHTS RESERVED

### THE FDA ABANDONS FIRST, DO NO HARM

Medical interventions are supposed to be **PROVEN SAFE BEFORE** the are rolled out in the population.

Yet **Dr. Eric Rubin**, one of the 18 members of the **FDA advisory panel** who voted, to approve the inoculations for children 5 - 11, actually said the opposite, and suggested that **a population level roll out was an appropriate way to test for adverse events.** 

It's worth noting that Dr. Eric Rubin is the **editor-in-chief of the** New England Journal of Medicine, which publishes the Pfizer trial reports.



"We're never going to learn about how safe this vaccine is unless we start giving it. That's just the way it goes. That's how we found out about rare complications of other vaccines like the rotavirus vaccine. And I do think we should vote to approve it."

> Dr. Eric Rubin, FDA advisory panel member. Harvard professor & editor-in-chief of the New England Journal of Medicine. Vaccines and Related Biological Products Advisory. Committee – 10/20/2021

### 5 - 11 YEAR OLDS NO INFORMED CONSENT

- Direct-to-consumer advertising of prescription drugs is illegal in Canada, yet politicians from all levels of government are marketing inoculations to children, using cartoons and mascots.
- They are proclaiming the inoculations to be safe, yet the data is not there to back that up. In addition to admitting that their inoculations can cause myocarditis, Pfizer also admits, right in their report, that their long term immune response, efficacy & safety data is limited and that their studies weren't powered to find "rare" side effects as only1,517 kids got the inoculation.
- How many parents would take their kids to get this shot if they were informed of this? The law of informed consent says they should be, but it's not happening.



of a Covid-19 vaccine in this population; trials of other vaccines are under way. Limitations of the study include the lack of longer-term follow-up to assess the duration of immune responses, efficacy, and safety. However, longer-term follow-up from this study, which will continue for 2 years, should provide clarification. This study was also not powered to detect potential rare side effects of BNT162b2 in 5-to-11-year-olds. However, the safety of BNT162b2 observed in the study com-





### THE BRITISH MEDICAL JOURNAL PUBLISHES WHISTLEBLOWER STORY

On November 2nd, the British Medical Journal released an article about their investigation into Ventavia, one of the research companies Pfizer hired to conduct the trials.

It's quite damning. The whistleblower is a Regional Director who actually reported her company to the FDA for:

- Falsifying data
- Unblinding participants
- Not following up and testing participants who reported symptoms
- Mislabelling specimens

Several other employees backed up her account. Despite all this, neither Pfizer, nor the FDA ever audited or investigated the research company, Pfizer never disclosed the problems in its EUA application, and in fact, Pfizer has now hired that same Researcher, Ventavia, to run four more COVID-19 clinical trials.



- and emails.

Ventavia was not keeping up with data entry queries, 

thebm

30

## A CRITICAL EYE BACK ON THE SEP 15 2021 REPORT

TH NEW ENGLAND JOURNAL of MEDICINE \_\_\_\_\_ ORIGINAL ARTICLE -Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine through 6 Months 5.J. Thomas, E.D. Moreize, Jr., N. Kitchin, J. Abstion, A. Gurtman, S. Lockina, I.L. Peeze, C. Bere Manc, F.P. Polizici, C. Storgumburk, B. Mely, K.A. Swanson, K.Xu, S. Borchoschon, K. Koury, S. Bougumburk, W.Y. Kulina, D. Coojur, P. Liberator, O.B. Tresnan, S. Mathen, p. R. Dormitiker, U. Salva, W.C. Grube, and K.U. Jansen, for the C4531601 Clinical Trial Groups. ABSTRACT ACCORDUND RATIONAL is a lipit nanoparticle-formalized, anciencide-modified RIAA rateins. The sectors conceding a perfusion-stabilized, nambia-me-anchored sizene sever terptanony gro-genes excemption 2 (SARS-CoVG) all-length spice provide. Bortanon 2 (SARS-CoVG) all-length spice aligned againer concentrities disease 2019 (CoVG) and is currently approved, and aligned to contain anti-performed, or anti-informed for emergence use workdow, and align the set of the set of the set initial authorization, data beyond 2 months after rescatations were unavailable. Cover the set of the set o ACCORDUND Mernons In an oughing, placebo-controlled, observer-blinded, meidinational, phonal effices matching trial, use randomly assigned 44.169 participants is years of age or older and 2264 mestations participations at to 15 years at the form and points were varies efficient y applies blockbords confirmed. Cost449 and astrony, which were both evaluated through 6 means after watchause.

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31 RUNNING FOOTER ELEMENT

### **6 MONTH DATA MANIPULATION MIXED COHORTS**

Pfizer took the results from their adult trial, which started July 27, 2020, and then added the results from the 12 - 15 year olds' trial, later.

Since it's well known that the to the efficacy numbers not presented as one combi fallen.

SEP

OCT

2020	Dec Adolescent Trial (12 - 15) Begins	Mar 13 Data Cutoff Date for Efficacy Reported in 6 Month Study 2021
the efficacy of the inoculations wanes over time, <b>thi</b> <b>rs.</b> The efficacy for these two cohorts should have b bined result. Without this boost, their efficacy numb	been reported separately,	And a start of a start
, despite the fact that the adolescent trial st		The second secon

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ficacy of the BNT162b2 mRN/

MAR

JULY

Jul 27

(16+)Begins

Adult Trial

AUG



### PFIZER TRIALS DID NOT PROVE SAFETY THEY PROVED HARM

#### **ILLNESS** BNT162b2 Placebo **Risk Change** Efficacy (Meaning number of people diagnosed with 77 850 -91% COVID-19.) **Related Adverse Event** 5,241 +300% 1,311 (Meaning an investigator has assessed it as related to the BNT162b2 injection.) Any Severe Adverse Event 262 150 +75% (Interferes significantly with normal function.) **Any Serious Adverse Event** 127 +10% 116 [Involves visit to ER or hospitalization.]

BNT162b2	Placebo
20	14

DEATHS

### These are the results of Pfizer's own randomized control trial. LEVEL 1 EVIDENCE OF HARM.



# HOW THIS IS PLAYING OUT IN THE REAL WORLD



#### ROLL OUT SURVEILLANCE YOU DON'T FIND WHAT YOU DON'T LOOK FOR

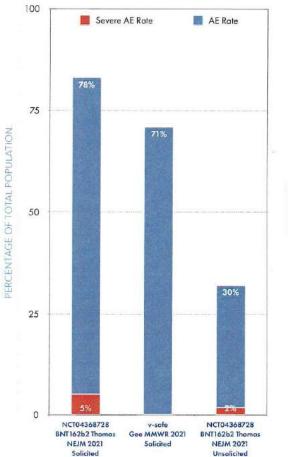
# There is a dramatic difference between passive vs active monitoring of adverse events

- When participants were **actively** followed for adverse events (AEs) in the trials, high percentages of adverse events were reported.
- Once the vaccine was rolled out at the population level, **passive** surveillance was used with Health Canada, VAERS or the European Yellow Card system.

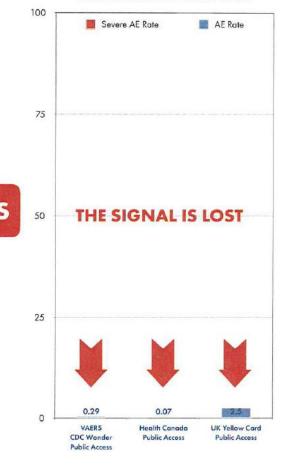
When that happened, the **signal was** completely lost.

35 NOVEMBER 18 2021

#### ACTIVE SURVEILLANCE OF TRIAL PARTICIPANTS



#### PASSIVE SURVEILLANCE OF POPULATION ROLL OUT





RISING INCIDENTS OF HEART ISSUES IN YOUNG PEOPLE

Ontario Public Health is well aware of this, as they published a <u>report</u> on it, but they seem inconsistent in their concerns.

 On Sep 29, 2021, Ontario Public Health recommended young men 18-24 not take the Moderna shot, because of a 1 in 5,000 risk of myocarditis. They suggested Pfizer shot instead, which has a 1 in 28,000 risk of myocarditis.

 But as recently as May 8, 2021, Ontario had stopped the Astra Zeneca shot because of a 1 in 60,000 risk of clotting side effects, which was considered too high.

• Their priorities are inconsistent.

Ontario ENHANCED EPIDEMIOLOGICAL SUMMARY Myocarditis and Pericarditis Following Vaccination with COVID-19 mRNA Vaccines in Ontario: December 13, 2020 to September 4, 2021

Santé publique Ontario

Public Health

> Purpose This report summarizes reports of myocarditis/pericarditis that have been reported as adverse events this report summarizes reports of myocarditis/pericarditis that have been reported as adverse events in ontario following the receipt of a COVID-19 mRNA vaccine. Data on the report summarizes reports of myocarditis following COVID-19 mRNA vaccines are

#### TORONTO SUN

#### Ontario

#### More than 100 Ontario youth sent to hospital for vaccinerelated heart problems: Report

There were 54 persons aged 25-39 included in the tally and 44 persons aged 40 and over

Anthony Furey Sep 03, 2021 • September 3, 2021 • 2 minute read • 314 Comments



oderna coronavirus disease (COVID-19) vaccine labels are seen arch 19, 2021. PHOTO BY DADO RUVIC /REUTERS



Grieving Father Ernest Ramirez Shares Heartbreaking Story of His Teen Son's Death 5 Days After Pfizer Vaccine





Sergio Agüero out for three months following 'cardiological evaluation'

Striker admitted to hospital after draw with Alavés 33-year-old to undergo 'diagnostic and therapeutic process'





Isaiah Harris Aged 18 – Pfizer May 2021

Severe Adverse Reaction: Myocarditis (Inflammation of the Heart) Resulting in a Heart Attack PFIZER'S INOCULATIONS FOR COVID-19 / MORE HARM THAN GOOD

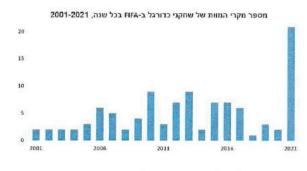
### THIS IS NOT NORMAL

A German news site put together a list of over 75 known cases of athletes collapsing - and even dying - in the last 5 months.

https://repart24.news/ab-13-iahren-lange-liste-ploetzlich-verstorhener-oderschwerkranker-sportler/

An Israeli news site analyzed the number of sudden deaths "on the pitch" of members of the International Football Association (FIFA) over the past 20 years.

### The average number of FIFA sudden deaths between 2000 - 2020 was 4.2. In 2021, it was 21.



https://www.thews.co.il/?view=article&id=49&cotid=22







https://rumble.com/vpnxkr-are-these-side-effects-extremely-rare.html

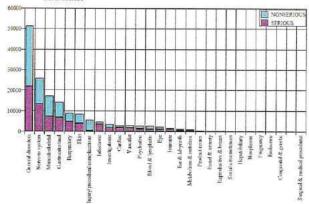
### PFIZER'S POST MARKETING PHARMACOVIGILANCE REPORT

- On Nov 17, 2021, the FDA released the first batch of what will ultimately be 329,000
  pages they were ordered by a court to provide to satisfy a Freedom of Information
  request by a group called <u>Public Health and Medical Professionals for Transparency</u> who
  want access to the data used by the FDA to approve Pfizer's COVID-19
  inoculations. (The FDA asked in court to have over 50 years to release the documents.)
- One post marketing pharmacovigilance report submitted to the FDA, where Pfizer tracked real world adverse events occurring in the first 2.5 months after Emergency Use Authorization, was particularly disturbing.
  - Over 1,200 deaths
  - Over 25,000 nervous system adverse events
  - Under "Safety concerns" Pfizer listed Anaphylaxis and Vaccine-Associated Enhanced Disease
- This document should be incriminating for any agency who saw it and called these inoculations "safe."

#### Table 1. General Overview: Selected Characteristics of All Cases Received During the Reporting Interval

Characteristics		Relevant cases (N=42086	
Gender	Female	29914	
	Male	9182	
	No Data	2990	
Age range (years):	≤ 17	175*	
0.01 -107 years	18-30	4953	
Mean = 50.9 years n = 34952	31-50	13886	
	51-64	7884	
	65-74	3098	
	≥ 75	5214	
	Unknown	6876	
Case outcome:	Recovered/Recovering	19582	
	Recovered with sequelae	520	
	Not recovered at the time of report	[136]	
	Fatal	1223	
	Unknown	9400	

Figure 1. Total Number of BNT162b2 AEs by System Organ Classes and Event Seriousness



3.1.2. Summary of Safety Concerns in the US Pharmacovigilance Plan

#### Table 3. Safety concerns

Important identified risks	Amphytaxis	
mportant potential risks Vaccine-Associated Enhanced Discuse (VAED), Including Vaccine-asso Enhanced Respiratory Discuse (VAED)		
Missing information	Use in Programcy and lactation Use in Paodiatric Individuals <12 Years of Age Vaceing Effectiveness	



# CONSIDERABLE EVIDENCE OF CONFLICT OF INTEREST

CCRCA

PFIZER'S INOCULATIONS FOR COVID-19 / MORE HARM THAN GOOD

### PFIZER IS MAKING BILLIONS \$33.5B+ in 2021 alone.

When the incentive is such an astronomical sum of money, it only makes sense to **ensure rigorous oversight** of the process and to ensure **as many safeguards as possible** are in place.

Their agenda is **their shareholders and their bottom line**, not public health.

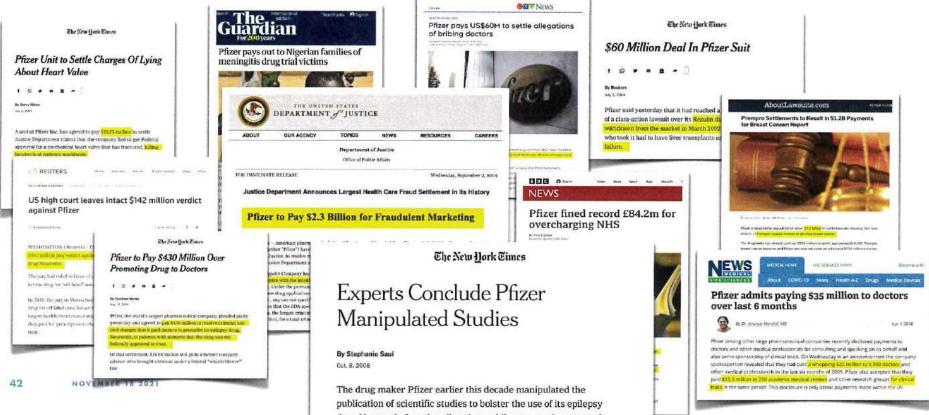
### Forbes Pfizer Expects \$33.5 Billion In Vaccine Revenue In 2021



Albert Bourla, CEO of Pfizer, photographed in June 2020 JAMEL TOPPIN FOR FORBES

B iotech giant Pfizer expects to generate \$33.5 billion in Covid-19 vaccine sales in 2021, up from previous estimates of \$26 billion, according to its second quarter earnings reports. These projections are based on the 2.1 billion doses of the Pfizer/BioNTech vaccine which the company expects to manufacture and deliver by the end of the year.

### THE PUBLIC RECORD **OF PFIZER'S CORPORATE CULTURE**



drug Neurontin for other disorders, while suppressing research 

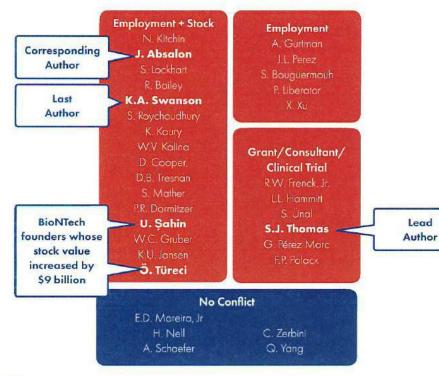


- Pfizer Unit to Settle Charges Of Lying About Heart Valve, Jul 2, 1994 <a href="https://www.nytimes.com/1994/07/02/business/pfizer-unit-to-settle-charges-of-lying-about-heart-valve.html">https://www.nytimes.com/1994/07/02/business/pfizer-unit-to-settle-charges-of-lying-about-heart-valve.html</a>
- Pfizer to Pay \$430 Million Over Promoting Drug to Doctors, May 14, 2004 <a href="https://www.nytimes.com/2004/05/14/business/pfizer-to-pay-430-million-over-promoting-drug-ta-doctors.html">https://www.nytimes.com/2004/05/14/business/pfizer-to-pay-430-million-over-promoting-drug-ta-doctors.html</a>
- \$60 Million Deal In Pfizer Suit over Rezulin, July 3, 2004 https://www.nytimes.com/2004/07/03/business/60-million-deal-in-pfizer-suit.html
- Experts Conclude Pfizer Manipulated Studies, Oct 8, 2008 https://www.nytimes.com/2008/10/08/health/research/08drug.html
- Pfizer to Pay \$2.3 Billion for Fraudulent Marketing, Sep 2, 2009 https://www.justice.gov/apa/pr/justice-department-onnounces-lorgest-health-care-fraudsettlement-its-history
- Pfizer Admits Paying \$35 Million to Doctors Over Last 6 Months, Apr 1, 2010 <a href="https://www.news-medical.net/news/20100401/Pfizer-admits-paying-2435-million-to-doctors-over-last-6-months.aspx">https://www.news-medical.net/news/20100401/Pfizer-admits-paying-2435-million-to-doctors-over-last-6-months.aspx</a>
- Pfizer Pays Out to Nigerian Families of Meningitis Drug Trial Victims, Aug 12, 2011 <a href="https://www.theguardian.com/world/2011/aug/11/pfizer-nigeria-meningitis-drug-compensation">https://www.theguardian.com/world/2011/aug/11/pfizer-nigeria-meningitis-drug-compensation</a>
- Pfizer Pays US\$60M to Settle Allegations of Bribing Doctors, Aug 7, 2012 <a href="https://www.ctvnews.co/health/health-headlines/pfizer-pays-us-60m-to-settle-allegations-of-bribing-doctors-1.906216">https://www.ctvnews.co/health/health-headlines/pfizer-pays-us-60m-to-settle-allegations-of-bribing-doctors-1.906216</a>
- SEC Charges Pfizer with FCPA Violations, Aug 7, 2012 https://www.sec.gov/news/press-release/2012-2012-152htm
- US High Court Leaves Intact \$142 million Verdict Against Pfizer, Dec 9, 2013 https://www.reuters.com/article/us-usa-court-pfizer-idUSBRE9B80K020131209
- Pfizer Fined Record £84.2m for Overcharging NHS, Dec 7, 2016 <u>https://www.bbc.com/news/business-38233852</u>
- Sonofi, FSK, Pfizer, Boehringer Must Face Zantac Class-Action Lawsuits: Court Oct 15, 2021 <a href="https://medicaldialogues.in/news/industry/pharma/sanofi-gsk-pfizer-boehringer-must-face-zantac-class-action-lawsuits-court-83138">https://medicaldialogues.in/news/industry/pharma/sanofi-gsk-pfizer-boehringer-must-face-zantac-class-action-lawsuits-court-83138</a>



### CONFLICTS OF INTEREST AMONG PFIZER REPORT AUTHORS

#### **6 MONTH REPORT AUTHORS**





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### THE CDC HAS REDEFINED "VACCINE" TO SUIT POLITICAL & PHARMACEUTICAL INTERESTS

A COLORADO

For many years	Jul 27, 2021	Aug 18, 2021	Starting Sep 2, 2021
CDC Definition of VACCINE	Head of CDC Rochelle Walensky went on CNN and admitted the	Joe Biden announced booster shots for all Americans.	CDC Definition of VACCINE CHANGED
"A product that stimulates a person's immune system to produce immunity to a specific disease, protecting the person from that disease."	<u>COVID-19 vaccines do not</u> <u>provide immunity</u> - they don't stop people from catching or transmitting COVID-19.	USA     Down and the second and the seco	"A preparation that is used to stimulate the body's immune response against diseases."
nom mar disedse.		U 24	This looks like fraud.

CC CA

# **THE MEDIA HAS BEEN CAPTURED**



https://rumble.com/voz64j-brought-to-you-by-pfizer.html



## THIS IS NO WAY TO MANAGE A SUPPLIER

Pfizer has been **indemnified for damages** in case their inoculations hurt and kill people, and Pfizer **profits to the tune of billions** if the trials are successful.

No reasonable, responsible person would have given Pfizer carte blanche in such a situation.

Instead, you would engage in rigorous oversight and hold them to the highest scientific standards. This was not done.





## THE INOCULATIONS SHOULD BE WITHDRAWN IMMEDIATELY

- It's clear that Pfizer and the agencies overseeing their trials failed to follow established, high quality safety and efficacy protocols right from the beginning.
- We have presented Level 1 evidence of harm from Pfizer's own trial data. Any government which has approved these inoculations, much less mandated them, knew or should have known from the available data that harm would be caused to its citizens.
- Any government that approved this medical intervention for its citizens should have ensured that the trial had used the appropriate clinical endpoints and high quality safety science.
- Any government official who possesses this evidence and continues to allow its citizens to be inoculated with a toxic agent is, at the very least, negligent.

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## **RECOMMENDED READING/VIEWING**

#### PUBLISHED PAPERS REFUTING PFIZER INOCULATIONS

- Why Are We Vaccinating Children Against COVID-19? <a href="https://www.sciencedirect.com/science/article/pii/S221475002100161">https://www.sciencedirect.com/science/article/pii/S221475002100161</a>
- US COVID-19 Vaccines Proven to Cause More Harm than Good Based on Pivotal Clinical Trial Data Analyzed Using the Proper Scientific Endpoint, "All Cause Severe Morbidity" <u>https://www.scivisionpub.com/</u> pdfs/us-covid 19-vaccines-proven-to-cause-more-harm-than-good-based-onpivotal-clinical-trial-data-analyzed-using-the-proper-scientific---1811.pdf

#### PFIZER'S NEJM PUBLISHED RESULTS

- Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine <a href="https://www.neim.org/doi/full/10.1056/neimoa2034577">https://www.neim.org/doi/full/10.1056/neimoa2034577</a>
- FDA Briefing Document, Dec 10, 2020 <a href="https://www.fda.gov/media/144245/download">https://www.fda.gov/media/ 144245/download</a>
- Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine through 6 Months https://www.nejm.org/doi/full/10.1056/INEJMog2110345
- The 6 Month Supplementary Appendix <a href="https://www.nejm.org/doi/suppl/10.1056/NEIMoa2110345/suppl-file/nejmaa2110345\_appendix.pdf">https://www.nejm.org/doi/suppl/10.1056/NEIMoa2110345/suppl-file/nejmaa2110345\_appendix.pdf</a>

#### BRITISH MEDICAL JOURNAL

 Covid-19: Researcher blows the whistle on data integrity issues in Pfizer's vaccine trial https://www.bmj.com/content/375/bmj.n2635

#### ONTARIO PUBLIC HEALTH EPIDEMIOLOGICAL SUMMARY

 Myocarditis and Pericarditis Following Vaccination with COVID-19 mRNA Vaccines in Ontario: December 13, 2020 to September 4, 2021 https://www.publichealthontario.ca/~/media/documents/ncov/epi/ covid-19-myocarditis-pericarditis-vaccines-epi.pdf8sc\_lang=en

#### SHORT VIDEOS

- Informed Consent It's Your Right (3 minutes) <u>https://rumble.com/</u> vleq43-informed-consent-its-your-right.html
- Brought to You by Pfizer (1 minute) <a href="https://numble.com/voz64j-brought-to-you-by-pfizer.html">https://numble.com/voz64j-brought-to-you-by-pfizer.html</a>
- Why Do We Need Vaccine Passports? (2 minutes) <a href="https://rumble.com/vn1zaf-why-do-we-need-vaccine-passports.html">https://rumble.com/vn1zaf-why-do-we-need-vaccine-passports.html</a>
- COVID-19 Vaccines and D-Dimer levels (9 minutes) <a href="https://rumble.com/vaeisj-di-rochagn-kilian-blawing-the-whistle-on-covid-19-vaccines-and-d-dimer-leve.html">https://rumble.com/vaeisj-di-rochagn-kilian-blawing-the-whistle-on-covid-19-vaccines-and-d-dimer-leve.html</a>
- How Reliable Is the PCR Test? (2 minutes) https://youtu.be/gL7Z5JmRIM4

## WE NEED YOU TO HOLD THEM ACCOUNTABLE

- This evidence is a tool you can use. It represents a real opportunity to hold our leaders accountable as it is not opinion, or modelling, or real world evidence that can be dismissed or manipulated, but LEVEL 1 EVIDENCE from a randomized control trial. As such, it has high evidentiary value.
- We're asking that you call your MP and MPP and that you ask for a 1 hour meeting. Preferably in person, but Zoom will work too.
- During the meeting, play them the video and provide them with the PDF version. Ask them questions, like whether or not they were aware of all the issues with the Pfizer trial. Or what they plan to do now that they are. Get them to agree to a follow up meeting where they will provide you with answers.

- Share this video with friends and family. Have group viewing sessions on Zoom and discuss it.
- Share this video and the PDF on social media.
   When you do, please use the hashtags #CCCA and #MoreHarmThanGood
- Please join our mailing list at <u>www.canadiancovidcarealliance.org</u> and we will update you with additional evidence as we have it.
- Follow us on social media. This <u>linktree</u> has all our social accounts.
- This presentation is available in PDF and video format on our website at <u>www.canadiancovidcarealliance.org</u>

#### THE PFIZER INOCULATIONS FOR COVID-19

# **MORE HARM** THAN GOOD



Contact us info@canadiancovidcarealliance.org www.canadiancovidcarealliance.org









### Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

# About the Exercise

In March 2021, NTI conducted a Tabletop Exercise on Reducing High-Consequence Biological Threats, the third in a series of annual collaborations between NTI and the Munich Security Conference. The exercise examined gaps in national and international biosecurity and pandemic preparedness architectures and explored opportunities to improve capabilities to prevent and respond to high-consequence biological events. The exercise included 19 senior leaders and experts from across Africa, the Americas, Asia, and Europe with decades of combined experience in public health, biotechnology industry, international security, and philanthropy. (See the box on page 9 for the list of exercise participants.)

# **Exercise Scenario**

Developed in consultation with technical and policy experts, the exercise scenario portrayed a deadly, global pandemic involving an unusual strain of monkeypox virus that first emerges in the fictional country of Brinia and eventually spreads globally. Later in the exercise, the scenario reveals that the initial outbreak was caused by a terrorist attack using a pathogen engineered in a laboratory with inadequate biosafety and biosecurity provisions and weak oversight. The exercise scenario concludes with more than three billion cases and 270 million fatalities globally. As part of the scenario development process, NTI conducted a virtual consultation with experts in December 2020. (See Appendix A for the list of participating experts.)

The fictional exercise scenario unfolded in a series of short news videos that participants reacted to.

The exercise was designed for participants to:

- Discuss requirements for international architectures related to science-based, early assessment of emerging pandemic risks and timely international warning and alerts for potential pandemics.
- Explore conditions that should trigger national pandemic response actions and discuss strategies and challenges for scaling public health interventions.
- Consider options to reduce biotechnology risks and strengthen oversight of dual-use bioscience research.
- Explore opportunities to strengthen international financing mechanisms to bolster global health security preparedness.

NTI Paper	8	www.nti.org

Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

### 2021 NTI-MUNICH SECURITY CONFERENCE TABLETOP EXERCISE PARTICIPANTS



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear WA State BOH,

We are the Friends of Toppenish Creek from Yakima County.

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.

Regarding the draft rule WAC 246-203-130, please consider this strong objection. As written WAC 246-203-130 allows a CAFO dairy in Washington state to build a million gallon manure lagoon right next to a neighbor's home or well without consequences. Here is an explanation of how the draft rule condones such an assault on human health:

Draft WAC 246-203-130, section 3 says:

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must:

(d) Handle domestic animal waste from livestock that is <u>collected and stockpiled</u> for later use or disposal as follows:

(i) Store the waste to control odors and attraction of flies, rodents, and other vectors;

(ii) Store the waste no longer than one year; and

(iii) Site the stockpile:

(A) One hundred feet or more from a drinking water well;

(B) Two hundred feet or more from a public drinking water spring;

(C) Outside the sanitary control area of a public Irinking water source if different from the areas set forth in (d)(iii)(A) and (B) of this subsection;

(D) One hundred feet or more from a surface water body unless:

(I) The surface water body is upgradient or is protected by a levee or other physical barrier; or

(II) The surface water body is protected by one or more control or treatment practices that capture and prevent leachate. Practices include, but are not limited to, storage pads, covers, storage structures, and filter strips; and

(E) Outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

This appears to create strong protections for public health.

But look closer - there is a huge loophole in the proposed rule.

WAC 246-203-130, section 2 (j) says: "Stockpiling" means the temporary piling of domestic animal waste from livestock prior to use or disposal. <u>Stockpiling does not include active composting or lagoon storage of domestic animal waste from livestock.</u>

This more than wrong. This is a gift to the powerful interests that inflict morbidity and mortality on WA citizens by managing manure in ways that place profit above human health.

Unless the BOH can prove that a million gallon manure lagoon next to a family home does not damage the family's health, unless the BOH can prove that tossing manure into the ambient air to compost it does not damage the health of entire neighborhoods, then this loophole must, in all good conscience, be closed.

Sincerely, kan Mendeza

Jean Mendoza

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



#### STATE OF WASHINGTON DEPARTMENT OF HEALTH DIVISION OF ENVIRONMENTAL PUBLIC HEALTH PO Box 47820 • Olympia, Washington 98504-7820 (360) 236-3000 • 711 Washington Relay Service

May 2, 2022

Mr. Keith Grellner, Chair Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

RE: Proposed rulemaking, WAC 246-203-130, Animal Waste, WSR 22-08-003

Dear Chair Grellner:

Thank you for the opportunity to provide comments on the proposed rule. This proposal modernizes a longstanding outdated rule. The Department of Health's Division of Environmental Public Health expects the proposal to result in better public health outcomes by giving our local health jurisdiction partners the necessary tools to address and resolve animal waste problems when called upon by the communities they serve.

Although we do not play a direct regulatory role in this rule proposal, we do have an interest in how the management of animal waste might impact those public health programs that we currently regulate. Most notably protecting wellhead sanitary control areas for public drinking water supplies, protecting shellfish harvesting areas from pollution due to hazardous surface run-off, protecting outdoor water recreation areas so they are safe for swimmers, and reducing harmful algal blooms in vulnerable bodies of water. Through collaboration with our local health jurisdictions, we believe that the proposed animal waste rule will better protect public health.

The proposed rule dovetails with our role and local health jurisdiction's role to protect public health, and compliments other state agency's regulatory roles and authorities to protect water and air quality.

We support the proposed amendments to WAC 246-203-130, Animal Waste rule.

Sincerely,

Lauren Jenks, MPH, CHES Assistant Secretary Environmental Public Health Washington State Department of Health

Mr. Keith Grellner May 2, 2022 Page 2 of 2

cc: Joe Laxson, Washington Department of Health Michelle Davis, Washington State Board of Health



BACK COUNTRY HORSEMEN OF WASHINGTON PO Box 1132 ELLENSBURG, WA 98926 WWW.BCHW.ORG

April 28, 2022

Mr. Stuart Glasoe SBOH Health Policy Advisor

Mr. Glasoe and Board Staff,

We appreciate the task you have of revising the <u>Keeping of Animals</u> policy and also your language mitigation in response to our members' past concerns.

We are requesting that you delay putting the CR 102 Keeping of Animals Draft Policy Proposal on the June 8<sup>th</sup> agenda. There are many unresolved concerns. We also request time to form a stakeholder work group to address these concerns. The pandemic has caused delays and interruptions to many forms of business. Our members need time to work out the concerns in this draft policy.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Thank you for your time, your consideration, and the opportunity to comment.

Dana L Chembur

Dana Chambers President Back Country Horsemen of Washington president@bchw.org



P.O. Box 96 • Ellensburg, WA 98926 • 509-925-9871 • Fax 509-925-3004 WACATTLE@KVALLEY.COM • WWW.WASHINGTONCATTLEMEN.ORG

To: Washington State Board of Health

Date: April 29th, 2022

Re: Keeping of Animals – WAC 246-203-130

Dear Members, Washington State Board of Health:

I was just briefed by our lobbyist that represents the Washington Cattlemen's Association in Olympia about the meeting he attended with legislators and your Chair and staff regarding **WAC 246-203-130** Keeping of Animals.

While we acknowledge the Board's efforts to address grazing, we stand by our original assertion that this is unnecessary rulemaking on an already heavily regulated industry. In addition, we would point out the following:

#### Outreach on the Small Business Economic Impact Statement appears to be woefully inadequate -

I cannot name one rancher that was reached out to on this issue, and I don't believe receiving 41 responses out of 1000 contacts really meets the straight-face test as far as stakeholder input.

#### Likely violates the state's Right to Farm law -

Unfortunately, in today's world, farmers and ranchers are often under attack from some in the environmental community, who don't seem to fully understand production agriculture. This has led to much consternation when urban-minded citizens move from city to country and don't find it to meet their idyllic vision. Fortunately, farmers and ranchers are protected by the state's 'Right to Farm'' law. However, we fear this new proposal may be used as another tool to attempt to drag ranchers into court.

### While we acknowledge the attempt to address grazing, there needs to be stakeholder input to clarify terms-

The current proposal references "free-range grazing", which is a term unfamiliar to us. We use the term "open-range grazing". In addition, an earlier version included pasture grazing and yet was removed from the current proposal. While open-range grazing would describe grazing where fences are built to keep livestock out, we would consider pasture grazing to describe fences being built to keep livestock in. This needs further discussion with stakeholders.

### The WCA requests that the Board delay action on this proposed rule and create a workgroup with key stakeholders –

Rural citizens deserve a voice on the Board that can speak to agriculture and rural issues. We don't believe that currently exists. To balance that, we would request that a stakeholder workgroup that can



speak to the proposed rule with expertise in agriculture issues, be included as members of the workgroup.

Sincerely,

Jeff Keane

Jeff Keane, President Washington Cattlemen's Association



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Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

# About the Authors

Jaime M. Yassif, Ph.D. Senior Fellow, Global Biological Policy and Programs, NTI

Dr. Jaime M. Yassif is Senior Fellow for Global Biological Policy and Programs at NTI, where she is leading several major biosecurity projects focused on strengthening governance of dual-use bioscience and reducing global catastrophic biological risks. Yassif previously served as a Program Officer at Open Philanthropy, where she led the Biosecurity and Pandemic Preparedness initiative. In this role, she recommended and managed approximately \$40 million in biosecurity grants, which rebuilt the field and supported work in several key areas, including developing new biosecurity programming at several leading think tanks, establishing the Global Health Security Index, initiating new biosecurity work in China and India, and framing a new public discourse about global catastrophic biological risks. Prior to this, Yassif served as a Science and Technology Policy Advisor at the U.S. Department of Defense and worked on the Global Health Security Agenda at the U.S. Department of Health and Human Services.

### Kevin P. O'Prey, Ph.D.

### Managing Partner, The Palisades Group, LLC

Dr. Kevin P. O'Prey has served as the facilitator for the annual Nuclear Threat Initiative's Biosecurity tabletop exercises at the Munich Security Conference. As Managing Partner at the Palisades Group, O'Prey oversees analytical and facilitation projects for the U.S. Federal Government, private sector, and international organizations. Previously, he was co-founder and president of Obsidian Analysis, Inc. and president of DFI Government Services. He earned his Ph.D. in political science at MIT's Security Studies Program.

### Christopher R. Isaac, M.Sc.

### Program Assistant, Global Biological Policy and Programs, NTI

Mr. Christopher R. Isaac is a Program Assistant for Global Biological Policy and Programs at NTI. Isaac has been involved with synthetic biology through the Internationally Genetically Engineered Machines (iGEM) Competition since the start of his scientific career and brings with him a mixture of skills in policy, biochemistry, and programming. Isaac holds a B.Sc. in Biological Sciences with a minor in Philosophy and a M.Sc. in Biochemistry (Bioinformatics) from the University of Lethbridge. He is an alumnus of the Emerging Leaders in Biosecurity Fellowship at the Johns Hopkins Center for Health Security and is a member of the iGEM Safety and Security Committee.







### THE WHITE HOUSE

FOR IMMEDIATE RELEASE

April 18, 2022

#### Joint Statement Between the United States, Belize, Germany, Indonesia, and Senegal on the Announcement of the Second Global COVID-19 Summit

The United States as first COVID Summit Chair, Belize, as CARICOM Chair; Germany, holding the G7 Presidency; Indonesia, holding the G20 Presidency; and Senegal as African Union Chair, are pleased to announce we will co-host the second Global COVID-19 Summit, which will be held virtually on May 12, 2022. The Summit will redouble our collective efforts to end the acute phase of the COVID-19 pandemic and prepare for future health threats.

This Summit follows the first <u>Global COVID-19 Summit</u> convened by the United States on September 22, 2021. In advance of the May 12 Summit, we are calling on world leaders, members of civil society, non-governmental organizations, philanthropists, and the private sector to make new commitments and bring solutions to <u>vaccinate the world</u>, <u>save lives</u> <u>now, and build better health security</u> -- for everyone, everywhere.

The emergence and spread of new variants, like Omicron, have reinforced the need for a strategy aimed at controlling COVID-19 worldwide. Together, we can mitigate the impact of COVID-19 and protect those at the highest risk with vaccinations, testing, and treatments, actions to minimize disruption to routine health services, and through support for the ACT-Accelerator multilateral mechanism. We know we must prepare now to build, sustain, and finance the global capacity we need, not only for emerging COVID-19 variants, but also future health crises. To help achieve these goals, we urge all countries and stakeholders to pledge to take urgent actions to create the systems we need to end the acute phase of COVID-19, save lives, and build better health security and health systems.

The Summit will build on the themes and commitments made at the first Summit and will place an emphasis on supporting locally-led solutions to both immediate and long-term challenges, including:

- · Getting shots into arms;
- · Deploying tests and treatments, especially for the highest-risk populations;
- Expanding and protecting the health workforce and minimizing disruptions to routine and essential health services;
- Enhancing access to medical countermeasures, including research and development and scaling and diversifying local and regional manufacturing; and
- Generating sustainable financing for pandemic preparedness, health security, and health systems

We look forward to another successful Summit to continue the international effort in the fight against COVID-19 and to advance global pandemic preparedness.



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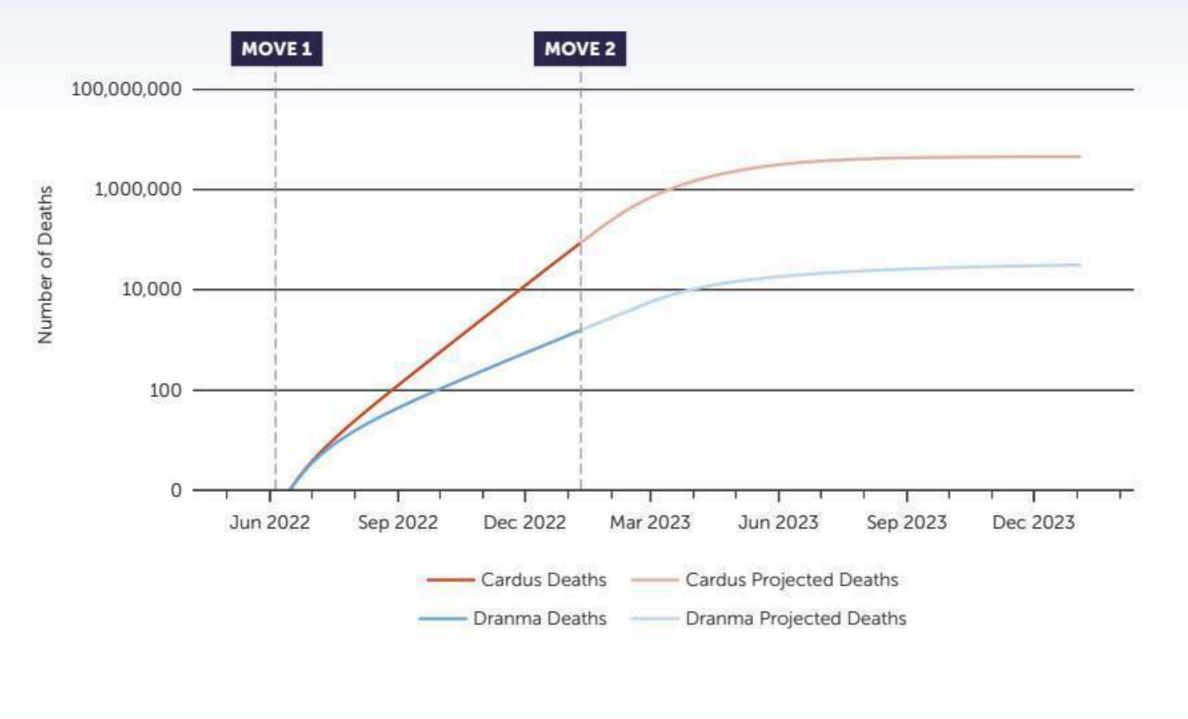
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**Move 1** (occurring on June 5, 2022, in scenario time) starts with an unusual outbreak of monkeypox in Brinia (population 250 million), with reports of 1,421 cases and four fatalities. There is no immediate evidence of international spread, but the outbreak takes place during a national holiday with extensive domestic and international travel by Brinians. Because monkeypox is not naturally found in Brinia, local and international experts consider this outbreak to be unusual. The Brinian government welcomes international outbreak investigations and requests medical support from the WHO. Genome sequencing of monkeypox patient samples reveals that the strain in Brinia contains mutations that make it resistant to existing vaccines.

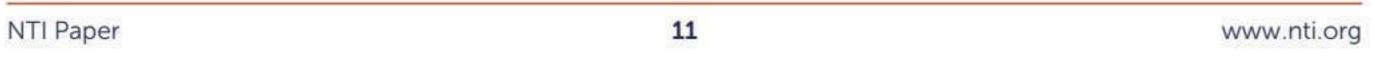
The discussion that followed considered how the international system is postured to analyze initial indicators of pandemic risk and to communicate appropriate warnings.

**Move 2** (January 10, 2023) occurs six months later, at which point the virus has spread to 83 countries with 70 million reported cases, causing more than 1.3 million fatalities. With no known effective therapies or vaccines, countries have had to rely principally on non-pharmaceutical interventions (NPIs) to mitigate the impacts of the pandemic. Highlighting significantly different national outcomes in managing the pandemic, some governments, including the fictional Republic of Dranma, promptly adopted aggressive measures to slow virus transmission by shutting down mass gatherings, imposing social-distancing measures, and implementing mask mandates. These countries have also established large-scale testing and contact-tracing operations and scaled-up their health care systems to support anticipated growing case numbers. By contrast, the scenario depicts another group of countries, including fictional Cardus, that have prioritized keeping their economies open, undertaking little-to-no NPIs, and downplaying the virus and its potential impacts. These countries have experienced much worse outcomes in terms of illness and mortality (Figure 2) than those that responded early and energetically. As Figure 3 shows, Dranma experienced far fewer cases and fatalities than Cardus.

Participant discussion in Move 2 focused on exploring the conditions that should trigger national pandemic response actions and discussing strategies and challenges for scaling public health interventions.



#### Figure 2. Cardus vs. Dranma: Cumulative Deaths



### Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

### Figure 3. Cardus vs. Dranma: Cumulative Cases



Washington State Board of Health Olympia, Washington June 2, 2022

From::Bill Osmunson DDS MPH Cosmetic and General Dentist Board Chair: American Environmental Health Studies Project 1418 112th Ave NE, Bellevue, WA 98004 425.466.0100 <u>bill@teachingsmiles.com</u>

#### A COST BENEFIT-RISK ANALYSIS OF FLUORIDATION FOR THE WASHINGTON STATE BOARD OF HEALTH

"The continued increase in fluorosis rates in the U.S. indicates that additional measures need to be implemented to reduce its prevalence."<sup>1</sup> Fluoridation (addition of fluoride to public water), cessation is the most logical source to reduce excess fluoride exposure.

**Abstract/summary:** The Washington State Department of Health (WSDH) has advised that the Washington State Board of Health (WSBH) has Jurisdiction in Washington State over the addition of fluoride to public water systems. Therefore, it is the ethical responsibility for the Board to be current on the risks and benefit, if any, for all individuals and protect the public with an appropriate label.

As a practicing comprehensive, cosmetic, general dentist, I treat functional and cosmetic damage from dental fluorosis and dental caries contributed by the WSBH's recommendation of fluoride supplementation in water. The estimated cost to treat dental fluorosis damage exceeds the estimated cost of benefit, Thus, fluoridation makes no financial, ethical, or Public Health sense. Excess fluoride exposure financially benefit dentists. When the estimated harm from developmental neurotoxicity is included, public health agencies must no longer support fluoridation. We can fix teeth, not brains.

<sup>&</sup>lt;sup>1</sup> Wiener RC, Shen C, Findley P, Tan X, Sambamoorthi U. Dental Fluorosis over Time: A comparison of National Health and Nutrition Examination Survey data from 2001-2002 and 2011-2012. J Dent Hyg. 2018 Feb;92(1):23-29. PMID: 29500282; PMCID: PMC5929463.

Estimated costs Per Person Per Year (PPPY):				
Cost to fluoridate water		\$3-\$10		
Averted caries	\$6.08			
Dental fluorosis Treatment		\$3.24-\$153		
IQ loss		\$2,156 to \$2,552		

Cost estimates report benefit from fluoridation only if harm is NOT included.

Real world estimates of fluoridation's benefit to teeth including all costs and also including harm from dental fluorosis to teeth, do not report a cost savings. Presumed neurotoxic harm to the developing brain, potential ADHD endocrine, cancer, thyroid, bone, enzymatic harm, and lack of environmental justice add additional costs which must be included in a cost-benefit-risk analysis. The evidence is clear, estimated fluoridation harm far exceeds estimated benefit.

Toxicology's definition of two terms: "hazard" and "risk." Sunshine can be beneficial. A hazard is potential danger, such as sunshine. Risk is the likely hood of danger/harm, or how much of the hazard causes danger/harm, such as a sunburn. How much sunshine becomes a danger depends on several factors and host sensitivity. "The dose makes the poison." (Perecles

Fluoride is similar. Topical fluoride can be beneficial. Ingesting fluoride has risk of danger and actual harm and the FDA approved label includes the warning "Do Not Swallow." Ingesting fluoride has strong evidence of actual harm. We cannot change the hazard of a chemical but we can manage the risk of harm. (See also for a simple review of toxicology)

Bioethics recommends we evaluate the risks from fluoridation based on "potential" risk at total exposures. Sometimes proponents of fluoridation speak only about the source of fluoride which comes from fluoridated water. However, an estimated third to two thirds of fluoride comes from other sources. The dosage fluoridation provides needs to be at least doubled or tripled to achieve total fluoride exposure.

Dental fluorosis is a known risk from excess fluoride exposure, the highest level of confidence.

Developmental neurotoxicity, as evaluated with IQ, is presumed to be a risk and also greater confidence than potential risk. "Potential" risks include ADHD, cancer, thyroid, bone, endocrine, enzymatic system, mitochondria, GI and kidney harm and the evidence is strong enough for those to stop fluoridation. With 70% of the USA children having dental fluorosis, fluoridation should be stopped just for excess fluoride ingestion. Most developed countries do not fluoridate public water. Public Health's intention to help the poor and those with low intelligence are the very people least able to compensate for the harm and in most need of health education. Fluoridation is not supported by Bioethics, drug regulatory agencies, most developed countries, total exposure, quality of research, environmental justice, toxic substance laws, cost savings and better alternatives are available. Uncontrolled dosage, an uncertainty factor, individual sensitivity and the cumulative harm from all toxic chemical exposures demands action.

Individual dosage is not controlled when dispensed in the public water systems because not everyone drinks the same amount of water and different amounts at different ages. Infants on formula made with fluoridated water receive about 140 times more fluoride than mother's milk. Fluoride at 0.7 mg/l in water to make infant formula does not fit within WSBH guidelines within the first year of life.

#### OUTLINE

I.	<b>BIOETHICS:</b> Sound Bioethics Presupposes Sound Science.				
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Current scientific evidence supports the USA Environmental Protection Agency (EPA) scientists statement in 2001:

"In summary, we hold that fluoridation is an unreasonable risk. That is, the toxicity of fluoride is so great and the purported benefits associated with it are so small - if there are any at all – that requiring every man, woman and child in America to ingest it borders on criminal behavior on the part of governments."<sup>2</sup>

<sup>&</sup>lt;sup>2</sup>Dr. J. William Hirzy, Senior Vice-President, Headquarters Union, US Environmental Protection Agency, March 26, 2001

Page 5

#### I. BIOETHICS: Sound Bioethics Presupposes Sound Science.

I have previously requested the WSBH's cost-benefit-risk analysis and the Board has remained silent.

This report is the most up to date risk-benefit of fluoridation. The addition of fluoride to public water lacks individual consent, randomized controlled trials (quality research), lacks known mechanism of benefit, exceeds "potential" harm with probable and known harm, is without label, adulterated, misbranded and alternatives are available at less expense for those choosing to ingest fluoride.

Note: in contrast, topical fluoride has good scientific evidence of efficacy and the US Food and Drug Administration (FDA) correctly advises on the toothpaste label, "Do Not Swallow."

Since the 1940's bioethical principles have been reasonably constant.<sup>3</sup>

"The ethical validity of fluoridation policy does not stand up to scrutiny relative to the Nuremberg Code and other codes of medical ethics, including the Council of Europe's Biomedical Convention of 1999"<sup>4</sup> and artificial water fluoridation must be abandoned.<sup>5</sup>

Dental caries harms the individual, not others. Not to minimize discomfort and harm from dental caries, but dental treatment is sometimes considered elective as a "non-contagious infectious disease"<sup>6</sup> and not highly lethal.

In both clinical practice and research,<sup>7</sup> individual informed consent and autonomy of a competent individual is a self-evident bioethic principle. In contrast, public health interventions may not have individual informed consent and therefore need to be held to an even higher standard of confidence.

<sup>5</sup>Rajarajan, Giftson; Kumar, R. Pradeep; Priyadorshini, S. Pavithra, A review on the ethics of artificial water fluoridation. Drug Invention Today . Jan2019, Vol. 11 Issue 1, p102-107. 6p. 1 Chart

<sup>6</sup>Vieira, AR, Genetics and Caries- Prospects, Braz Oral Res., (São Paulo) 2012;26(Spec Iss 1):7-9

 $^{7}$  <u>45 CFR part 46</u> Subpart D §46.404. **"§46.116 General requirements for informed consent.** (2) A description of any reasonably foreseeable risks or discomforts to the subject;"

<sup>&</sup>lt;sup>3</sup>Grady C. Institutional Review Boards: Purpose and Challenges. *Chest.* 2015;148(5):1148-1155. doi:10.1378/ chest.15-0706

<sup>&</sup>lt;sup>4</sup>Douglas W. Cross & Robert J. Carton (2003) Fluoridation: A Violation of Medical Ethics and Human Rights, International Journal of Occupational and Environmental Health, 9:1, 24-29, DOI: <u>10.1179/107735203800328830</u>

For example, a clinician making an error may harm that patient. Research error may harm hundreds. WSBH error may harm hundreds of thousands.

The Nuffield Council is consistent with the CDC (Centers for Disease Control and Prevention) ethics, applicable to the WSBH and is more specific to fluoridation, advising:

"public health policy involving the water supply should be considered in relation to:

I. the balance of risks and benefits

*II. the potential for alternatives that rank lower on the intervention to achieve the same outcome.* 

III. the role of consent where there are *potential harms*"<sup>8</sup> (emphasis supplied)

Bioethics does not include minimizing evidence of risk and maximizing claims of benefit. The public rely on the WSBH's recommendations in their decision making process regarding fluoridation. To avoid very serious harm to hundreds of thousands, the WSBH must have high confidence in their review of empirical evidence as it develops on fluoride ingestion.

<sup>&</sup>lt;sup>8</sup>Ethics Consultation Report Ethical Considerations in Community Water Fluoridation, by the Public Health Agency of Canada's Public Health Ethics Consultative Group, December 18, 2018 p.2.<u>https://www.caphd.ca/sites/default/files/</u> Ethical%20Considerations%20for%20Community%20Water%20Fluoridation.pdf

#### II. Jurisdiction: No Agency Authorized to Approve Fluoride Ingestion with Intent to Prevent Dental Caries has published a Benefit Risk Analysis or Approved Fluoridation

**FDA:** In the USA, Congress has given the Food and Drug Administration (FDA) jurisdiction over substances used with the intent to prevent disease such as fluoride.<sup>9</sup> The FDA testified to Congress that fluoride is a drug.<sup>10</sup> Fluoride toothpaste is approved and has a label with warning, "Do Not Swallow," referring to a pea size amount, 0.25 mg, the same amount as a glass of fluoridated water. Clearly the public is receiving mixed messages, "Do Not Swallow" the same amount of fluoride administered without choice in each glass of public water. We should not be surprised the public opinion is polarized. Sodium fluoride is listed as a drug in the Pharmacopeias.

The FDA notified 35 fluoride manufacturers of fluoride supplements, ". . . *there is no substantial evidence of drug effectiveness as prescribed, recommended or suggested in its labeling. . . marketing is in violation of the new drug provisions of the Federal Food, Drug, and Cosmetic Act; they have, therefore, requested that marketing of these products be discontinued.*"<sup>11</sup> The FDA more recently warned manufacturers of fluoride supplements their product is not approved.

Fluoridated bottled water did not go through the NDA process and has never been approved. The FDA was notified a health claim would be made by manufacturers and the Drug section of the FDA does not regulate bottled water.

WASHINGTON STATE: In Washington State, the Board of Pharmacy (WSBP) has (had) jurisdiction over determining whether fluoride is a drug and the WSBH has jurisdiction over dispensing the fluoride drug. When asked, the WSBP confirmed, fluoride is a drug.<sup>12</sup> In fact, the Washington State laws gave the WSBH little choice.

RCW 69.38.010 "Poison" defined. As used in this chapter "poison" means:

(1) Arsenic and its preparations;

(2) Cyanide and its preparations, including hydrocyanic acid;

Strychnine; and

other substance designated by the state board of pharmacy which, when introduced into the human body in quantities of sixty grains or less, causes violent sickness or death."

(3)

(4) Any

<sup>9</sup>21 USC 321 (g)(1)(B)

<sup>10</sup>Congressional Investigation 2001

#### <sup>11</sup>DRUG THERAPY 1975

<sup>&</sup>lt;sup>12</sup>Letter to the Author Bill Osmunson, June 4, 2009, from the Washington State Board of Health

Sixty grains is 3,887 mg.

Whitford (1996) "it may be concluded that if a child ingests a fluoride dose in excess of 15 mg F/kg, then death is likely to occur. A dose as low as 5 mg F/kg may be fatal for some children. Therefore, the probably toxic dose (PTD), defined as the threshold dose that could cause serious or life-threatening systemic signs and symptoms and that should trigger immediate emergency treatment and hospitalization, is 5 mg F/kg." <sup>13</sup>

For a 5 kg child a presumed lethal dose could be 25 mg. The WSBP had a simple calculation to make, is 25 mg less than 3,887 mg? Of course 25 is less than 3,887 and therefore fluoride is a poison. However, fluoride is exempt from poison laws when regulated under either pesticide or drug laws. The WSBP correctly determined fluoride is a drug when used with the intent to prevent disease in humans and not a pesticide. RCW does not exempt poisons when regulated as foods. In fact, the intentional dispensing of poisons into water is prohibited.

Fluoride is not exempt from poison laws when regulated as a food.

The jurisdiction of fluoride is then kicked over to the FDA which has not approved fluoride as a drug and to the WSBH which after 15 years of petitions has remained silent or denied petitions to protect the public.

RCW <u>57.08.012</u> Authorizes fluoridation by vote of commissioners or electors. In effect, the complex scientific toxicology, pharmacology, epidemiology, physiology, biochemistry, dentistry and medicine is turned over to 50% of a person's neighbors to medicate everyone with an unapproved drug.

Although the WSBH has remained silent, the Board certainly has the responsibility to protect the public at a minimum with appropriate label and recommendation.

The FDA process for evaluating a new drug should be considered by the WSBH and includes a benefit-dose-risk analysis with randomized controlled trials, label and oversight. The manufacturer before marketing presents the research on efficacy at a specific dosage to the FDA. If the substance is effective at the dosage, the risks are evaluated and a label is made with dose and warnings.<sup>14</sup> The WSBH has a role in fluoridation and must protect the public.

<sup>&</sup>lt;sup>13</sup> Whitford G. (1996). Fluoride Toxicology and Health Effects. In: Fejerskov O, Ekstrand J, Burt B, Eds. <u>Fluoride in Dentistry</u>, 2nd Edition. Munksgaard, Denmark. p 171."

<sup>&</sup>lt;sup>14</sup>FDA Development & Approval Process Drugs, Center for Drug Evaluation and Research, https://www.fda.gov/ drugs/development-approval-process-drugs

**EPA:** The Safe Drinking Water Act<sup>15</sup> includes, "No national primary drinking water regulation may require the addition of any substance for preventive health care purposes unrelated to contamination of drinking water." Congress has prohibited the EPA from adding anything to water which has intent to prevent disease.<sup>16</sup>

The Environmental Protection Agency (EPA) advised, "the FDA, remains responsible for regulating the addition of drugs to the water supply for health care purposes."<sup>17</sup>

The FDA avoids their responsibility by claiming the FDA does not regulate public water. In effect, no USA Federal Agency accepts jurisdiction over the addition of fluoride to public water, fluoridation, determining the efficacy, dosage and safety of ingested fluoride. The CDC does not evaluate or approve drugs. The WSBH is mistaken to rely on any Federally authorized agency for determining benefit, dosage, risk and label. Private industry promotes fluoridation for their benefit and has persuaded public health agencies to agree.

Proponents reference endorsements of fluoridation by over 100 organizations and claim, "*Not a single credibly recognized scientific group in the world OPPOSES community water fluoridation.*" <sup>18</sup> However, their definition of "world" appears to be parochial and limited primarily to English speaking Countries and any organization opposed to fluoridation is therefore not credible.

#### Austria: "toxic fluorides" NOT added

Belgium: encourages self-determination – those who want fluoride should get it themselves. Finland: "...do not favor or recommend fluoridation of drinking water. There are better ways of providing the fluoride our teeth need." A recent study found ...<u>"no indication of an increasing</u> trend of \_\_\_\_\_\_\_

Germany: stopped fluoridation. A recent study found <u>no evidence of an increasing trend of caries</u> Denmark: "...toxic fluorides have never been added to the public water supplies in Denmark." Norway: "...drinking water should not be fluoridated" Sweden: "not allowed". No safety data available!

<sup>1542</sup> U.S. Code § 300g–1 - National drinking water regulations

<sup>&</sup>lt;sup>16</sup>FOIA Request HQ-FOI-01418-10

<sup>&</sup>lt;sup>17</sup>Steve Neugeboren, Ass. General Counsel, Water Law Office EPA 2/14/2013

<sup>&</sup>lt;sup>18</sup>American Fluoridation Society https://americanfluoridationsociety.org/debunking-anti-claims/myths/supportingorganizations/

Netherlands: Inevitably, whenever there is a court decision against fluoridation, the dental lobby pushes to have the judgment overturned on a technicality or they try to get the laws changed to legalize it. Their tactics didn't work in the vast majority of Europe.

Hungary: stopped for technical reasons in the '60s. However, despite technological advances, Hungary remains unfluoridated.

Japan: "...may cause health problems...." The 0.8 -1.5 mg regulated level is for calcium-fluoride, not the hazardous waste by product which is added with artificial fluoridation. <u>Israel:</u> suspended mandatory fluoridation until the issue is reexamined from all aspects.: June 21, 2006 "The labor, welfare and health Knesset committee"

China: "not allowed"

Regarding Fluoride Post-harvest fumigant, and applicable to fluoridation, an EPA administrative Judge concluded: "EPA agrees that aggregate exposure to fluoride . . . does not meet the safety standard in FFDCA section 408. The fluoride MCLG (4.0 mg/L) is not protective of the effects of fluoride on teeth and bones; The fluoride MCLG is not protective of other neurotoxic, endocrine, and renal effects of fluoride; EPA has not adequately protected children; EPA cannot determine the safety of sulfuryl fluoride and fluoride in the absence of a developmental neurotoxicity study; EPA has underestimated exposure to fluoride; and EPA has committed procedural errors in violation of the Administrative Procedures Act (APA) (<u>5 U.S.C. 551</u> *et seq.*)."<sup>19</sup>

Fluoride is not listed in food labels and no approved label for fluoridation or products used with fluoridated water are listed with warnings. Fluoridation is not an approved drug and is without label, misbranded,<sup>20</sup> and adulterated<sup>21</sup> failing to conform to compendium standards of purity.

The absence of fluoride in the diet does not cause dental caries. Fluoride is not an essential nutrient. Dental caries are not caused by inadequate fluoride ingestion.<sup>22</sup> No physiologic process in the body requires fluoride. Fluoride ingestion should not be compared to essential vitamins or minerals required for metabolic functions, the absence of which causes a disease.

Consolidated Objections at http://www.fluoridealert.org/wp-content/uploads/sf-nov.2006.pdf.

<sup>21</sup>Section 501(b) of the Food, Drug, and Cosmetic Act https://www.fda.gov/media/71979/download

<sup>&</sup>lt;sup>19</sup>https://www.federalregister.gov/articles/2011/01/19/2011-917/sulfuryl-fluoride-proposed-order-granting-objections-to-tolerances-and-denying-request-for-a-stay

<sup>&</sup>lt;sup>20</sup>FDA misbranded. <u>https://www.fda.gov/medical-devices/general-device-labeling-requirements/la-beling-requirements-misbranding</u>

<sup>&</sup>lt;sup>22</sup>Emsley J, Jones DJ, Miller JM, Overill RE, Waddilove RA. An unexpectedly strong hydrogen bond: ab initio calculations and spectroscopic studies of amide-fluoride systems. *Journal of the American Chemical Society.* 1981;103:24–28. [Google Scholar]

### III. COSTS TO FLUORIDATE WATER.

Ran<sup>23</sup> reported costs to fluoridate water from \$0.11 to \$4.92 in 2013 U.S dollars per person per year (PPPY).

Ko<sup>24</sup> corrected for more factors and reported costs to fluoridate water ranged from "about \$10 and \$3 PPPY." Because Ko's estimate considers real world costs it will be used here.

Costs to purchase the bottled water for those not wanting fluoride should also be added to the costs of fluoridation. Assuming even 1% of the bottled water consumed is to avoid fluoride, 150 million gallons or 568 million liters of bottled water at \$1/liter adds an additional \$568 million dollars to the cost of fluoridation. An additional \$5 per person consuming the fluoridated water costs to fluoridate public water should be added. To keep this complex subject simple, I have stuck with Ko's estimate.

<sup>&</sup>lt;sup>23</sup> Ran T, Chattopadhyay SK; Community Preventive Services Task Force. Economic Evaluation of Community Water Fluoridation: A Community Guide Systematic Review. *Am J Prev Med.* 2016;50(6):790-796. doi:10.1016/ j.amepre.2015.10.014

<sup>&</sup>lt;sup>24</sup> Ko L, Thiessen KM, A critique of recent economic evaluations of community water fluoridation, International Journal of Occupational and Environmental Health 2015 vol. 21 No. 2 91 DOI 10.1179/2049396714Y.0000000093

### IV. BENEFIT of FLUORIDATION.

Ko has the most inclusive and accurate estimation of dental caries mitigation and reports fluoridation savings of \$6.08 PPPY (\$3-\$10 PPPY), which is used here. Serious limitations to the alleged benefit of fluoride ingestion must be noted.

### 1) No Known Mechanism

Mechanism: Fluoride works by interacting topically after teeth erupt. The evidence for its effectiveness when applied to erupted teeth is well supported. Fluoride incorporation into developing teeth is very minor and does not contribute to caries prevention. Fluoride is not a nutrient nor essential for any bodily function. A very small amount of ingested fluoride makes its way to saliva to provide some topical fluoride after tooth eruption, but this amount is 50 to 100 fold less than what is obtained from fluoride naturally occurring in food and beverages. "The enamel demonstrated significant transport hindrance for the ions, and the effective pore radii of the transport pathways in the enamel were found to be approximately 0.7-0.9 nm."<sup>25</sup>

### 2) No Randomized Controlled Trials (RCT)

No RCT of fluoridation or fluoride supplements as pills or liquid have been published for infants, children or adults The only published RCT<sup>26</sup> gave 1 mg of fluoride daily to pregnant mothers and followed their child till age 5. No statistical reduction in dental caries was reported. The first RCT has started for fluoridated bottled water.<sup>27</sup>

Without a known mechanism coupled with lack of RCTs, the FDA is correct determining the evidence of benefit from fluoride ingestion is "incomplete."

<sup>27</sup>https://waterbeststudy.com

<sup>&</sup>lt;sup>25</sup>Wei Ren, Arif Baig, S Kevin Li, Passive and iontophoretic transport of fluorides across enamel in vitro., Journal of pharmaceutical sciences (2014-04-10) <u>Millipore Sigma</u>

<sup>&</sup>lt;sup>26</sup>Leverett DH, Adair SM, Vaughan BW, et al, - Caries Research, 1997 - <u>karger.com</u> https://www.karger.com/ Article/Abstract/262394#

## 3) Limited Confidence in Current Fluoridation's Association with Dental Caries:

A. Not one Study corrects for Unknown Confounding Factors such as the highly significant unknown causing caries decline from about 11.5 cavities to about 5.5 cavities before fluoridation.

B. Not one Prospective Randomized Controlled Trial

C. Socioeconomic status not controlled

D. Inadequate size

E. Difficulty in diagnosing decay

F. Delay in tooth eruption not controlled

G. Diet: Vitamin D, calcium, strontium, sugar, fresh and frozen year-round vegetables and fruit consumption not controlled.

H. Total exposure of Fluoride not determined

I. Oral hygiene not determined

J. Not evaluating Life-time benefit

K. Estimating or assuming subject actually drinks the water (about half of water ingested is now bottled water.)<sup>28</sup>

L. Dental treatment expenses not considered

M. Mother's F exposure, Breast fed (almost no fluoride) and infant formula with a high dose of fluoride

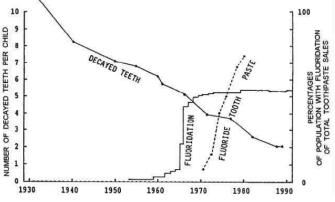
N. Fraud, gross errors, and bias not corrected.

O. Genetics not considered

For example, Colquhoun<sup>29</sup> 1997 ISFR Published 1998 published the graph below. No one knows

what the unknown(s) were reducing caries prior to fluoridation. Those powerful unknowns have never been controlled for in research. The unknowns are more powerful than the possible effect of fluoridation.

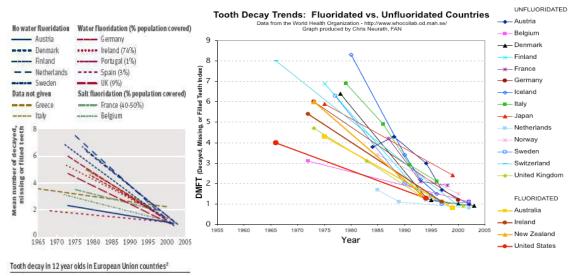
Highly unlikely the unknowns causing the caries decline could have gradually phased out while fluoridation was phased in.



<sup>&</sup>lt;sup>28</sup>International Bottled Water Association. https://bottledwater.org/bottled-water-consumption-shift/

<sup>&</sup>lt;sup>29</sup>Colquhoun 1997 ISFR Published 1998 <u>http://www.fluoride-journal.com/98-31-2/312103-f.htm</u>

Cheng<sup>30</sup> (left graph below) and Neurath<sup>31</sup> using WHO data demonstrate in developed countries, dental caries have declined to similar low levels regardless of fluoridation or fluoridated salt.



#### 4) No Known Effective Dosage

Without RCT published studies or FDA approval, the dosage mg/Kg/day to mitigate dental caries has never been determined. Concentration of fluoride in water is not dosage. Instead of a dosage, an Adequate Intake is used by the National Institute of Health.<sup>32</sup>

Historical research suggested fluoridation was "remarkably effective," however, current research is less confident. A major review in 2000 from the Centre for Reviews and Dissemination at the University of York (York Review) concluded that the best available evidence suggested that fluoridation reduced the prevalence of caries, but found that the reduction was difficult to quantify from the evidence available. The authors also noted, "it is surprising to find that little high quality research has been undertaken."<sup>33</sup>

<sup>32</sup> National Institute of Health. AI for Fluoride https://ods.od.nih.gov/factsheets/Fluoride-HealthProfessional/ #:~:text=In%201986%2C%20guidelines%20from%20the%20U.S.

%20Environmental%20Protection,to%20prevent%20dental%20fluorosis%20%5B%203%2C%2011%20%5D. Accessed May 17, 2022

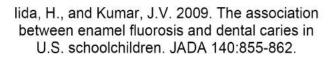
<sup>33</sup>McDonagh M, Whiting P, Bradley M et al. (2000) A Systematic Review of Public Water Fluoridation (York: NHS Centre for Reviews and Dissemination).

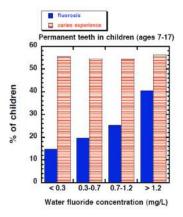
<sup>&</sup>lt;sup>30</sup>Cheng, K. K., Chalmers, I., & Sheldon, T. A. (2007). Adding fluoride to water supplies. *BMJ (Clinical research ed.)*, *335*(7622), 699–702. https://doi.org/10.1136/bmj.39318.562951.BE

<sup>&</sup>lt;sup>31</sup>Neurath C, TOOTH DECAY TRENDS FOR 12 YEAR OLDS IN NONFLUORIDATED AND FLUORIDATED COUN-TRIES, Research Note Fluoride 38(4)324-325 November 2005.

"The results show that the reviewed original studies on economic evaluation of caries prevention do not provide support for the economic value of caries prevention."<sup>34</sup>

Iida et al data from 2009 demonstrates an increase in fluoride concentration increases dental fluorosis, blue lines, but caries experience is minor if any. (Graph of data by Thiessen)





Little has changed with fluoridation. According to Dye et al. (2015): "Untreated tooth decay was higher for Hispanic (36%) and non-Hispanic black (42%) adults compared with

non-Hispanic white (22%) and non-Hispanic Asian (17%) adults aged 20-64."

Cities fluoridated for over 50 years report a crisis of dental caries and Kentucky was awarded 50 years of 100% fluoridated by the American Dental Association at the same time Kentucky was number one percentage for those without any teeth.

## 5) Excess exposure. 70% of children are ingesting too much fluoride.

CDC "Dental fluorosis only occurs when younger children consume too much fluoride, . . . when teeth are developing under the gums."<sup>35</sup> Fluoride ingestion prior to 6 years of age causes dental fluorosis.

Water fluoride concentration is not an individual dose, nor a valid indication of total exposure. Fluoridation gives more to everyone regardless of how much they are ingesting from other sources. Although the average intake of water is estimated at 927 ml/day for adults, 90th per-

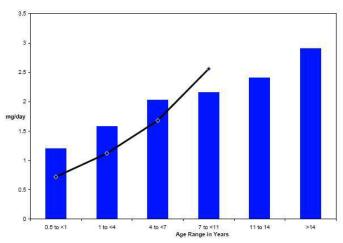
<sup>&</sup>lt;sup>34</sup>Källestål C et al. Economic evaluation of dental caries prevention: a systematic review. Acta Odontol Scand. 2003 Dec;61(6):341-6.

<sup>35</sup>http://www.cdc.gov/fluoridation/safety/dental\_fluorosis.htm#a2 Accessed 10 15

centile is just over 2 liters and some drink over 10 liters/day.<sup>36</sup> To protect from potential harm, safety factor of 10 should be used just to protect those drinking the most water such as pregnant women and infants on formula made with fluoridated water.

Rates of dental fluorosis have increased from 10-15% to 70%, moderate/severe from 7% to 28% in the latest NHANES reports.<sup>37</sup> Dong's 2015-16<sup>38</sup> reporting 70% although lower moderate and sever percentage. Espinoza raised concern with the quality of data<sup>39</sup> which has Federal oversight and funding. Photographs were taken and could confirm data quality if released. Data was when fluoridation was at about 1 ppm in water. An estimated 15% decrease in total exposure may reduce the rate of dental fluorosis, but not enough.

In other words, 73% of children are on fluoridated water and 70% of all the children show signs of excess fluoride intake. When fluoridation started, the public was assured only perhaps 15% of the public would get dental fluorosis.



There are numerous sources of fluoride, ". . . some children probably get more than the recommended amount of fluoride from toothpaste alone. . . "<sup>40</sup> p 42.

The EPA Dose Response Analysis 2010, Figure 8-1, illustrates the percentage of children exceeding the RfD (EPA safe dose) if the EPA increased

Figure 8-1. Total Daily Fluoride Intake Estimates Relative to the Proposed RfD Using 90th Percentile the RfD from 0.06 to 0.08 mg/kg/day. Drinking Water Intake Data for Consumers Only and the Mean Drinking Water Fluoride Concentration (0.87 mg/L)

<sup>36</sup>Fluoride in Drinking Water: A Scientific Review of EPA's Standards. 2016. Chapter 2, pp 23-88.

<sup>37</sup>Neurath C, Limeback H, Osmunson B, Connett M, Kanter V, Wells CR. Dental Fluorosis Trends in US Oral Health Surveys: 1986 to 2012. JDR Clin Trans Res. 2019 Oct;4(4):298-308. doi: 10.1177/2380084419830957. Epub 2019 Mar 6. PMID: 30931722.

<sup>38</sup>Dong H, Yang X, Zhang S, Wang X, Guo C, Zhang X, Ma J, Niu P, Chen T. Associations of low level of fluoride exposure with dental fluorosis among U.S. children and adolescents, NHANES 2015-2016. Ecotoxicol Environ Saf. 2021 Sep 15;221:112439. doi: 10.1016/j.ecoenv.2021.112439. Epub 2021 Jun 22. PMID: 34166938.

<sup>39</sup>LorenaEspinozaRachelKaufmann, Corresondence Letter, Ecotoxicology and Environmental Safety, <u>Volume 227</u>, 20 December 2021, 112950https://doi.org/10.1016/j.ecoenv.2021.112950 https://www.sciencedirect.com/science/article/pii/S0147651321010629?via%3Dihub

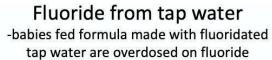
<sup>40</sup>National Research Council 2006 p. 42.

In other words, EPA is doing the opposite of the NRC 2006 recommendation which reported EPA standards are not protective. EPA is "declaring" fluoride exposure safer and is being less protective. Even with increasing RfD, too many children are still ingest too much fluoride. (Percentage above the black line, previous page.)

Note, in their Figure 8-1 infants are not included, 10% of children and infants ingesting the most fluoride are not included.

The National Institute of Health<sup>41</sup> recommends 0.01 mg/day of fluoride birth to 6 months, compared to mother's milk with mean 0.004 mg/l. Formula fed babies on fluoridated water ingest an estimated average of 140 times more fluoride than breast fed babies.

I was unable to locate WHO's recommendation for fluoride concentration of water used to make infant formula and appears to be 1.5 mg/l.



subject	volume fluid intake	fluoride concentration in liquid consumed	fluoride DOSAGE* (μg/ kg per day)
5 kg baby fed breast milk	up to 1 L	≈ 0.005 ppm	1
70 kg adult	1 L	0.7 ppm	10
70 kg adult	4 L	0.7 ppm	40
70 kg adult	2 L	2.0 ppm	57
70 kg adult	1 L	4.0 ppm	57
5 kg baby fed infant formula made with tap water	up to 1 L	0.7 ppm	140

\*A **dose** refers to a specified amount of medication taken at one time. By contrast, **dosage** is the prescribed administration of a specific amount, number, and frequency of doses over a specific period of time. AMA Manual of Style

Zohoori<sup>42</sup> "In conclusion, a relatively large proportion of fluoride intake is retained in the body in weaned infants."

<sup>&</sup>lt;sup>41</sup> National Institute of Health. AI for Fluoride https://ods.od.nih.gov/factsheets/Fluoride-HealthProfessional/ #:~:text=In%201986%2C%20guidelines%20from%20the%20U.S.

<sup>%20</sup>Environmental%20Protection,to%20prevent%20dental%20fluorosis%20%5B%203%2C%2011%20%5D. Accessed May 17, 2022

<sup>&</sup>lt;sup>42</sup> Zohoori, F., Omid, N., Sanderson, R., Valentine, R., & Maguire, A. (2019). Fluoride retention in infants living in fluoridated and non-fluoridated areas: Effects of weaning. *British Journal of Nutrition*, *121*(1), 74-81. doi:10.1017/S0007114518003008

#### 6) Lack of Label.

Drugs and processed foods have labels to tell consumers recommendations and warnings. Without label, consumers don't know how much fluoride is in their foods such as mechanically deboned meat, tea, grapes etc. The only label is on fluoride toothpaste with a warning, "Do Not Swallow."

#### 7) Systematic reviews of benefit

"Five systematic reviews between 2000 and 2015 that fluoridation reduces dental caries in children."<sup>43</sup> However, evidence of efficacy is based mostly on historical studies and lower quality.

The Cochrane systematic review is applicable to public health policy for the precise reasons it is criticized. Critics suggest the review was too restrictive.<sup>44</sup> Cochrane reviews primarily evaluate RCTs "for new drugs and clinical interventions for use with individuals, not public health initiatives targeted at populations."<sup>45</sup> Bioethics of a policy without individual consent should be more protective than one with individual consent and under their doctor's supervision. The FDA appears to be even more restrictive than the Cochrane review, reporting evidence at the same time period prior to the mid 1970's was "incomplete". Without individual consent and a world wide policy, WHO should require the same or greater confidence in the evidence.

The Cochrane review raised concerns for lack of studies to determine; current benefit, lack of benefit for lower socioeconomic status, lack of risk with fluoridation cessation, 97% of studies at high risk of bias, substantial between-study variation, and no studies met their criteria to determine effectiveness for adults.<sup>46</sup> Harm was not considered.

<sup>&</sup>lt;sup>43</sup>Lennon, M. The cochrane review of water fluoridation, Editorial, Community Dental Health (2015) **32**, 130–131

<sup>&</sup>lt;sup>44</sup>Rugg-Gunn, A., Spencer, A., Whelton, H. *et al.* Critique of the review of 'Water fluoridation for the prevention of dental caries' published by the Cochrane Collaboration in 2015. *Br Dent J* **220**, 335–340 (2016). https://doi.org/ 10.1038/sj.bdj.2016.257

<sup>&</sup>lt;sup>45</sup>Lennon, M. The cochrane review of water fluoridation, Editorial, Community Dental Health (2015) **32**, 130–131

<sup>&</sup>lt;sup>46</sup>Iheozor-Ejiofor Z, Worthington HV, Walsh T, O'Malley L, Clarkson JE, Macey R, Alam R, Tugwell P, Welch V, Glenny AM. Water fluoridation for the prevention of dental caries. Cochrane Database of Systematic Reviews 2015, Issue 6. Art. No.: CD010856. DOI: 10.1002/14651858.CD010856.pub2. Accessed 17 April 2022.

Current studies fail to report significant benefit. such as Maupome<sup>47</sup> McLaren<sup>48</sup> Slade<sup>49</sup> Meyer<sup>50</sup> Do<sup>51</sup> Chankanka<sup>52</sup>,<sup>53</sup> Choo-Wosoba<sup>54</sup>. The CDC also states, "Ingestion of fluoride is not likely to reduce tooth decay."<sup>55</sup> The apparent benefit<sup>56</sup> of fluoride is the precipitation of the less soluble mineral phase of fluorapatite in the tooth structure, a topical action.

<sup>50</sup>Meyer J, Margaritis V, Mendelsohn A. Consequences of community water fluoridation cessation for Medicaid-eligible children and adolescents in Juneau, Alaska. BMC Oral Health. 2018 Dec 13;18(1):215. doi: 10.1186/ s12903-018-0684-2. PMID: 30545358; PMCID: PMC6293551.

<sup>51</sup>Do L, Ha D, Peres MA, Skinner J, Byun R, Spencer AJ. Effectiveness of water fluoridation in the prevention of dental caries across adult age groups. Community Dent Oral Epidemiol. 2017 Jun;45(3):225-232. doi: 10.1111/ cdoe.12280. Epub 2017 Jan 16. PMID: 28092105.

<sup>52</sup>Chankanka O, Marshall TA, Levy SM, Cavanaugh JE, Warren JJ, Broffitt B, Kolker JL. Mixed dentition cavitated caries incidence and dietary intake frequencies. Pediatr Dent. 2011 May-Jun;33(3):233-40. PMID: 21703076; PM-CID: PMC3690298.

<sup>53</sup>Chankanka O, Levy SM, Marshall TA, Cavanaugh JE, Warren JJ, Broffitt B, Kolker JL. The associations between dietary intakes from 36 to 60 months of age and primary dentition non-cavitated caries and cavitated caries. J Public Health Dent. 2015 Fall;75(4):265-73. doi: 10.1111/j.1752-7325.2012.00376.x. Epub

<sup>54</sup>Choo-Wosoba H, Gaskins J, Levy S, Datta S. A Bayesian approach for analyzing zero-inflated clustered count data with dispersion. Stat Med. 2018 Feb 28;37(5):801-812. doi: 10.1002/sim.7541. Epub 2017 Nov 6. PMID: 29108124; PMCID: PMC5799048.

<sup>55</sup>Achievements in Public Health, 1900-1999: Fluoridation of Drinking Water to Prevent Dental Caries. MMWR, 48(41); 933-940, October 22, 1999

<sup>56</sup>Limeback H, A re-examination of the pre-eruptive and post-eruptive mechanism of the anti-caries effects of fluoride: is there any anti-caries benefit from swallowing fluoride? Community Dentistry and Oral Epidemiology, First Published 14 February 2007 <u>https://doi.org/10.1111/j.1600-0528.1999.tb01993.x</u> <u>Volume27, Issue1</u> February 1999 Pages 62-71

<sup>&</sup>lt;sup>47</sup>Maupomé G, Clark DC, Levy SM, Berkowitz J. Patterns of dental caries following the cessation of water fluoridation. Community Dent Oral Epidemiol. 2001 Feb;29(1):37-47. PMID: 11153562.

<sup>&</sup>lt;sup>48</sup>McLaren L, Singhal S. Does cessation of community water fluoridation lead to an increase in tooth decay? A systematic review of published studies. J Epidemiol Community Health. 2016 Sep;70(9):934-40. doi: 10.1136/ jech-2015-206502. Epub 2016 May 13. PMID: 27177581; PMCID: PMC5013153.

<sup>&</sup>lt;sup>49</sup>Slade GD, Grider WB, Maas WR, Sanders AE. Water Fluoridation and Dental Caries in U.S. Children and Adolescents. J Dent Res. 2018 Sep;97(10):1122-1128. doi: 10.1177/0022034518774331. Epub 2018 Jun 14. PMID: 29900806; PMCID: PMC6169031.

# V. **RISKS: COST OF DENTAL FLUOROSIS** (See also Endnote References) *"estimated costs for restoring function exceeds the cosmetic costs"*

WHO reports,"In acute poisoning, fluoride kills by blocking normal cellular metabolism. Fluoride inhibits enzymes, in particular metalloenzymes involved in essential processes, causing vital functions such as the initiation and transmission of nerve impulses, to cease. Interference with necessary bodily functions controlled by calcium may be even more important."<sup>57</sup> Assuming fluoride has a threshold for everyone which is safe is presumptive.

Researchers have indicated water fluoridation is a crude and rather ineffective policy to prevent dental caries without a detectable threshold for dental damage. (Dong and European Commission, 2011) A detectible threshold of fluoride exposure for dental damage is possible and critical for the policy of fluoridation. Although the odds of developing dental fluorosis increased with increased water fluoride concentration, the potential for harm exists at all water fluoride concentrations and unique for different individuals.

Gu<sup>58</sup> (2020" "The pathogenesis of dental fluorosis is not totally clear, which may be a complex pathological process involving both genetic and environmental factors. The prevalence of dental fluorosis has an upward trend around the world, thus certain public prevention and treatment strategies need to be taken."

Jarquín-Yñezá<sup>59</sup> (2018) "*Conclusions:* An association of rs 412777 polymorphism in the COL1A2 gene with dental fluorosis was found. Therefore, genetic variants represent a relevant risk factor to develop dental fluorosis, as it was proven in this study conducted in Mexican children."

<sup>&</sup>lt;sup>57</sup> Environmental Health Criteria 36, Fluorine and Fluorides, p. 52. 1984

<sup>&</sup>lt;sup>58</sup> Gu LS, Wei X, Ling JQ. [Etiology, diagnosis, prevention and treatment of dental fluorosis]. Zhonghua Kou Qiang Yi Xue Za Zhi. 2020 May 9;55(5):296-301. Chinese. doi: 10.3760/cma.j.cn112144-20200317-00156. PMID: 32392970

<sup>&</sup>lt;sup>59</sup> Jarquín-Yñezá L, Alegría-Torres JA, Castillo CG, de Jesús Mejía-Saavedra J. Dental fluorosis and a polymorphism in the COL1A2 gene in Mexican children. Arch Oral Biol. 2018 Dec;96:21-25. doi: 10.1016/j.archoralbio.2018.08.010. Epub 2018 Aug 23. PMID: 30172079.

Suzuki<sup>60</sup> (2015) We demonstrate that fluoride exposure generates reactive oxygen species (ROS) and the resulting oxidative damage is counteracted by SIRT1/autophagy induction through c-Jun N-terminal kinase (JNK) signaling in ameloblasts. In the mouse-ameloblast-derived cell line LS8, fluoride induced ROS, mitochondrial damage including cytochrome-c release, up-regulation of UCP2, attenuation of ATP synthesis, and H2AX phosphorylation (yH2AX), which is a marker of DNA damage."

Dental fluorosis is usually considered the singular causation, a biomarker, of excess fluoride ingestion prior to 6-8 years of age; however, other unknowns need to be explored<sup>61</sup> to explain the significant increase in dental fluorosis.

### DENTAL FLUOROSIS IS BOTH COSMETIC AND FUNCTIONAL

<u>Collins</u>. <sup>62</sup> (1987) "A mean cost for all consultants shows that the **estimated costs for restoring** *function exceeds the cosmetic costs* in all categories except the minimum later costs. This represents a new finding and raises an issue that has been overlooked or ignored by previous investigators and the profession. i.e.. that repair of the cosmetic discoloration was the only cost involved; or that repair of dysfunction was never considered to be a problem." (Emphasis supplied)

Collins study was funded by the EPA for the EPA and peer reviewed by the EPA to evaluate the cost of fluoride exposure from water at four concentrations. The six consultants do not appear to be blinded, they were chosen from locations with various fluoride concentrations. and do not appear to have been cosmetic dentists. Perhaps the consultants were functional dentists rather than cosmetic dentists and their focus was on functional restorations. Regardless, dental fluorosis is both cosmetic and functional damage.

<sup>&</sup>lt;sup>60</sup> Suzuki M, Bandoski C, Bartlett JD. Fluoride induces oxidative damage and SIRT1/autophagy through ROS-mediated JNK signaling. Free Radic Biol Med. 2015 Dec;89:369-78. doi: 10.1016/j.freeradbiomed.2015.08.015. Epub 2015 Sep 30. PMID: 26431905; PMCID: PMC4684823.

<sup>&</sup>lt;sup>61</sup> Akpata ES. Occurrence and management of dental fluorosis. Int Dent J. 2001 Oct;51(5):325-33. doi: 10.1002/j.1875-595x.2001.tb00845.x. PMID: 11697585.

<sup>&</sup>lt;sup>62</sup><u>Collins, E., V. Segreto, H. Martin, AND H. Dickson.</u> ANALYSIS OF COSTS FOR THE TREATMENT OF DENTAL FLUOROSIS. U.S. Environmental Protection Agency, Washington, D.C., EPA/600/5-87/001 (NTIS PB87170817), 1987.

"Damage is the cost, not the repair." Without patient consent, compensation for damage with quality treatment costs is reasonable. Harm from fluoridation is not self inflicted harm or patient negligence.

The picture of severe fluorosis to the right is of my patient growing up on fluoridated bottled "Nursery Water" (DS Waters of America Inc. <1 ppm) starting at age 4 months. Mom is confident he did not use fluoride toothpaste until



about age 4 years old and did not swallow toothpaste. Estimated exposure is less than 1 mg per day when young to about 1 mg at age 4. Dosage estimated at 0.13+ mg/kg/day when 4 months old to 0.05+ mg/kg/day at 4 years. An increase in fluoride exposure when fluoridated toothpaste started would be expected. This severe dental fluorosis damage is known harm from excess fluoride primarily from water below fluoridation concentrations recommended by WHO.

The Nuffield Council suggests the risks for a public health policy should be judged on "**potential harm**," more protective than "possible, presumed, or known harm."

WHO accepts the known harm calling it an "adverse effect," yet, minimizes the harm. "*However, fluoride can also have an adverse effect on tooth enamel and may give rise to mild dental fluorosis (prevalence: 12–33%) at drinking-water concentrations between 0.9 and 1.2 mg/l, depending on drinking- water intake and exposure to fluoride from other sources.*"

WHO falls into the trap of protecting fluoridation by attempting to isolate the exposure of fluoride from total fluoride exposure. Real world life is not lived in isolation and Public Health must NOT ignore total fluoride exposure from all sources and patient sensitivities.

Akpata<sup>63</sup> reports, *In some countries, exposure to apparently low fluoride concentrations in drinking water has resulted in severe dental fluorosis in some children.* 

<sup>&</sup>lt;sup>63</sup> Akpata ES. Occurrence and management of dental fluorosis. Int Dent J. 2001 Oct;51(5):325-33. doi: 10.1002/j.1875-595x.2001.tb00845.x. PMID: 11697585.

In contrast, the US Centers for Disease Control and Prevention (CDC)<sup>64</sup> and Community Preventive Task Force<sup>65</sup> report no harm from fluoridation except dental fluorosis and only cosmetic, usually only noticed by trained professionals, and other sources of fluoride are not significant.

## PERCENTAGE OF THE POPULATION HARMED WITH DENTAL FLUOROSIS

Cosmetic dentistry is subjective and dependent on the dentists opinion, presentation of cosmetic health, their skill, training, materials available, socioeconomics of their patient base and each individual patient's subjective opinion.

In 1993, Riordan<sup>66</sup> reported 17.5% of 7 year olds who do not have all their adult teeth were assessed by members of the public as a notable concern of dental fluorosis. Functional damage was not included. With dental fluorosis about twice as high now as1993, and currently NHANES twice reporting 70% of children with dental fluorosis, a conservative estimation of 17.5% of children have **notable concern and functional damage** is reasonable which would include a percentage of those with mild dental fluorosis and most with moderate and severe fluorosis.

Moderate and severe fluorosis appears to range from 3.6% (Beltran-Aguilar ages 12-15 years in 1999-2004) 6% (Ko) to 28% (NHANES 2012).

An estimated range of 4% to 17.5% of those fluoridated have cosmetic concern and/or functional damage contributed by fluoridation.

## DENTAL FLUOROSIS TREATMENT OPTIONS

Treatment options today are potentially different than in the 1980's Collins' study which reported a range between \$660 to \$12,000 (2019 dollars corrected by 2.2 for inflation). Collins made an assumption a needed treatment would last a lifetime. Because more functional damage was noted in Collins study than cosmetic damage, the possibility the consultants put a higher treatment

 <sup>&</sup>lt;sup>64</sup> <u>https://www.cdc.gov/fluoridation/faqs/community-water-fluoridation.html</u> accessed May 17,
 2022

<sup>&</sup>lt;sup>65</sup> Community Preventive Services Task Force; <u>https://www.thecommunityguide.org/sites/default/files/</u> <u>assets/Oral-Health-Caries-Community-Water-Fluoridation.pdf</u> 2015 Accessed May 17, 2022

<sup>&</sup>lt;sup>66</sup>Riordan PJ. Perceptions of Dental Fluorosis. *Journal of Dental Research*. 1993;72(9):1268-1274. doi:<u>10.1177/00220345930720090201</u>

priority on functional harm than cosmetic harm must be considered. Damage is measured here by the cost of quality treatment rather than dental insurance covered procedures.

While practicing in a low socioeconomic community, I almost never treated cosmetic issues. Moving to a high socioeconomic community I frequently treat cosmetic concerns. When people have money, cosmetics becomes a greater concern and dentists tend to diagnose what their patients can afford or is covered by their insurance. There is no wonder why Delta Dental funds fluoridation when they assume benefit and do not cover cosmetic damage.



Micro-abrasion,<sup>67</sup> grinding away the outer layer of enamel, can improve superficial defects of dental fluorosis. Treatment estimated \$500 to \$2,500 per patient life time and may need additional vital bleaching. Some patients consider micro-abrasion additional damage, but certainly less than a typical crown or veneer.

Bleaching is more acceptable to some but tends to whiten all areas and a contrast in shade is, for some, not fully restored. Bleaching needs to be retreated and an estimate is \$100 to \$600 every 2 years. We use an estimated \$100 PPPY (per person per year) for 60 years, \$6,000 life time

<sup>&</sup>lt;sup>67</sup> Azzahim L, Chala S, Abdallaoui F. La micro-abrasion amélaire associée à l'éclaircissement externe: intérêt dans la prise en charge de la fluorose [Role of enamel microabrasion associated with external bleaching in the management of patients with dental fluorosis]. Pan Afr Med J. 2019 Oct 4;34:72. French. doi: 10.11604/pamj.2019.34.72.20401. PMID: 31819788; PMCID: PM-C6884726.

treatment costs. Statista survey<sup>68</sup> reports 37 million in the USA had bleaching in 2020, about 14% of the age range of dental fluorosis.

Placing a value on the damage for patient perceived damage, assumed to be mostly in moderate to severe fluorosis found objectionable with high quality cosmetic and functional treatment is estimated at \$1,000 to \$2,500 per tooth, \$1,200 is used here. The diagnosis of dental fluorosis is based on the two worst teeth, although 1 to 28 teeth can be damaged. If costs are not the control-ling factor, a cosmetic patient will want several or all upper and lower teeth treated. An estimate of an average of 10 teeth at \$1,200 per tooth damage both functional and cosmetic is at the high end of Collins EPA study and in keeping with high quality cosmetic restorative treatment. For a lifetime cost, the work is estimated to be replaced an average of every 12 years, or \$1,000 PPPY, 60 year lifetime of \$60,000 damage. Damage is determined by cost of damage.

Assuming 4% to 17.5%% of the population have fluorosis of noticeable and functional harm which they would choose to be compensated for (\$2,400-\$10,500), and 1.46% at each year of life, an average per capita harm to teeth from excess fluoride exposure is \$35 to \$153 PPPY harm to teeth compared to \$6 PPPY benefit to teeth.

From just an evaluation of dental benefit cost analysis, fluoridation does not make sense.

An example of high quality dental fluorosis treatment (not my patient):

<sup>68</sup> https://www.statista.com/statistics/287384/usage-of-tooth-whiteners-in-the-us-trend/

### VI. COST OF FLUOROSIS DAMAGE (See also Endnote References)

"The principle hazard at issue from exposure to fluoridation chemicals is IQ loss.69"

Several streams of evidence should be kept in mind. Fluoride concentrations in water are not individual total exposure because not everyone drinks the same amount of water, some drink 10 times more than the mean, and some ingest more from other sources such as swallowing tooth-paste. Genetic factors need inclusion. An uncertainty factor should be included and a range of total exposure of at least 10 should be used. Pregnant moms are of particular concern because the placenta does not significantly protect the developing fetus from fluoride.

Whereas the mechanism for potential benefit from swallowing fluoride is not well understood, the mechanism of fluoride's developmental neurotoxicity has been reported. "*NaF induces de-velopmental neurotoxicity by decreasing lysosomal V-ATPase expression, increasing lysosomal pH, disrupting lysosomal degradation capacity, and blocking autophagic flux, induced neurotox-icity.*"<sup>70</sup>

Over 70 human IQ studies have reported developmental neurotoxicity from fluoride. Most studies prior to 2015 were ecological in design as opposed to individual level exposure and most not reasonably applicable to fluoridation concentrations. Since 2015, high-quality USA government funded studies included measurements at the individual level, at fluoridation concentrations 0.7 mg/L fluoride or less and report harm.

Twenty seven of the IQ studies published between 1988-2012 were used in a meta-analysis by a Harvard University team including Philippe Grandjean (Choi et al 2012). The consistent results from several countries found lower IQ in the "high-fluoride" villages compared with the low-fluoride villages, averaging 7 IQ points lower. Most were at levels above 0.7 mg/l.

<sup>&</sup>lt;sup>69</sup>Bruce Lamphear MD MPH Professor of Health Sciences at Simon Fraser University. Authored the seminal research on the neurotoxicity of lead.

<sup>&</sup>lt;sup>70</sup>Han X, Tang Y, Zhang Y, Zhang J, Hu Z, Xu W, Xu S, Niu Q, Impaired V-ATPase leads to increased lysosomal pH, results in disrupted lysosomal degradation and autophagic flux blockage, contributes to fluoride-induced developmental neurotoxicity, Ecotoxicology and Environmental Safety, Accepted 6 April 2022 <u>www.elsevier.com/lo-cate/ecoenv</u> https://doi.org/10.1016/j.ecoenv.2022.113500

Some may suggest the findings are irrelevant to fluoridation programs at 0.7 mg/L; however, potential harm to some or many should consider: (a.) the individual amount of water ingested, (b) total fluoride exposure, (c) patient sensitivity, (d) nutritional status (e) other toxicants such as arsenic, (f) and lack of uncertainty factor.

The NTP's systematic review of fluoride's neurotoxicity (2016-2022).

The US National Toxicology Program (NTP) Draft Monograph on the Systematic Review of Fluoride Exposure and Neurodevelopmental and Cognitive Health Effects<sup>71</sup> concludes fluoride is presumed to have a developmental neurotoxic effect on the developing brain, resulting in lower IQ. "Presumed" determination is stronger confidence than Nuffield's "potential harm." *"Fluoride is presumed to be a cognitive neurodevelopmental hazard to humans is based on consistent evidence from 26 lower risk-of-bias studies that evaluated fluoride exposure and effects on children's IQ and other cognitive effects."*<sup>72</sup>

The National Academy of Science (NAS) did a peer review of the NTP draft but "*did not conduct its own independent evaluation of the evidence, and it did not conduct a data audit,*" nor was the review blinded. The NAS did not refute the conclusion, in part because the NTP did not conduct a formal dose-response assessment. NTP did not evaluate benefit, only developmental neurotoxicity.

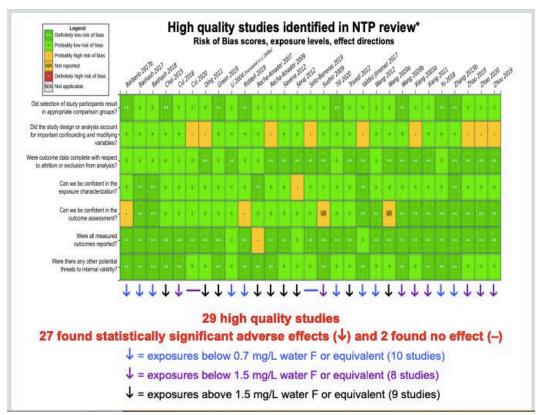
The NAS draft concluded, "the committee does not find that NTP has adequately supported its conclusion. That finding does not mean that the conclusion is incorrect; rather, further analysis or reanalysis as noted in the present report is needed to support conclusions in the monograph."

The NTP has published two drafts of its review of fluoride's neurotoxicity, (NTP,2019, NTP,2020).

The draft versions have indicated that of 29 High Quality (i.e. low risk of bias), 27 found a lowering of IQ and only 2 found no effect. Of these 27, 10 were conducted at 0.7 ppm or lower; another 8 conducted between 0.7 and 1.5 ppm and 9 at 1.5 ppm or higher (<u>ISEE-2020 poster</u>).

<sup>71</sup>https://www.asdwa.org/wp-content/uploads/2019/10/draft\_fluoride\_monograph\_20190906\_5081.pdf

<sup>&</sup>lt;sup>72</sup>DRAFT NTP MONOGRAPH ON THE SYSTEMATIC REVIEW OF FLUORIDE EXPOSURE AND NEURODEVELOPMENTAL AND COGNITIVE HEALTH EFFECTS p. 72. https://fluoridealert.org/wp-content/uploads/ntp.revised-monograph.9-16-2020.pdf



]The top of the half of this figure is the NTP's summary of the quality (risk of bias) ratings given by the NTP for 29 studies. The color code ranges from green to red, where green represents low risk of bias (i.e. high-quality) and red means high risk of bias (i.e. low-quality). The lower part of the figure has been added by Chris Neurath, FAN's research director, who has identified the water fluoridation measured in each study (see ISEE-2020 poster).

The finding of lowering IQ at 1.5 ppm offers no adequate margin of safety when you are exposing a large population of children to 0.7 ppm of fluoride in their drinking water. There are two reasons for this a) children drink different amounts of water and b) there is a wide range of sensitivity to any toxic substance among a large population. Typically, regulatory agencies like the EPA would like a margin of safety of 10, in this case 1.5 ppm only offers a margin of safety of 2.

Three benchmark dose analysis have been done for fluoride's developmental neurotoxicity, with consistent results.

Hirzy (2016) reported 1 IQ loss at 0.22 mg/L fluoride in water.

Grandjean (2021)<sup>73</sup> 1 IQ loss at 0.2 mg/L fluoride in urine or water. "Thus, the joint data show a BMCL in terms of the adjusted U-F (urine fluoride) concentrations in the pregnant women of approximately 0.2 mg/L. These results can be used to guide decisions on preventing excess fluoride exposure in pregnant women."

The third by Thiessen<sup>74</sup> for the TSCA ongoing trial against the EPA.

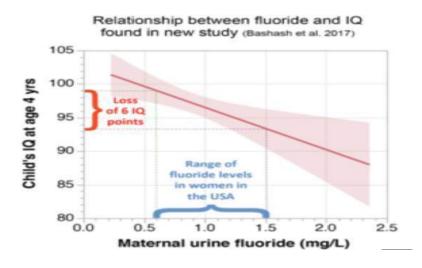
Table 6 of the NTP 2020 draft report lists only three studies from the year 2020, Wang, Cui, and Till, no studies from 2021 or 2022. The potential that additional studies will contradict the combined strength of current studies reporting harm is highly unlikely.

Three studies to consider based on individual measurements of fluoride exposure (<u>Bashash et al.</u>, 2017) published in *Environmental Health Perspectives*, then <u>Green et al.</u>, 2019 published in JAMA Pediatrics and <u>Till et al.</u>, 2020) in *Environment International*. They controlled for confounding variables and were conducted either in fluoridated communities at 0.7 ppm (Green, 2019 and Till, 2020) or in communities with exposures (from other sources) in the same range as fluoridated communities (Bashash, 2017 and 2018).

*Bashash, et al. 2017*, a 12-year, prospective mother-child cohort study reported a 4 to 5 point loss of IQ in offspring, associated with maternal fluoride intake, typical of a fluoridated community. The mother's fluoride exposure was measured directly via urinary fluoride level and the paired offspring's IQ was measured (again individually) at 4 and 6-12 years of age. Measured urinary fluoride concentration evaluates total fluoride exposure regardless of the source. Graphing the Bashash 2017 data below.

<sup>&</sup>lt;sup>73</sup>Grandjean P, Hu H, Till C, Green R, Bashash M, Flora D, Tellez-Rojo MM, Song PXK, Lanphear B, Budtz-Jørgensen E. A Benchmark Dose Analysis for Maternal Pregnancy Urine-Fluoride and IQ in Children. Risk Anal. 2021 Jun 8. doi: 10.1111/risa.13767. Epub ahead of print. PMID: 34101876.

<sup>&</sup>lt;sup>74</sup>Kathleen Thiessen Ph.D Director and senior scientist at Oak Ridge Center for Risk Analysis. Served on the 2006 National Research Council panel that reviewed the toxicologic literature on fluoride.



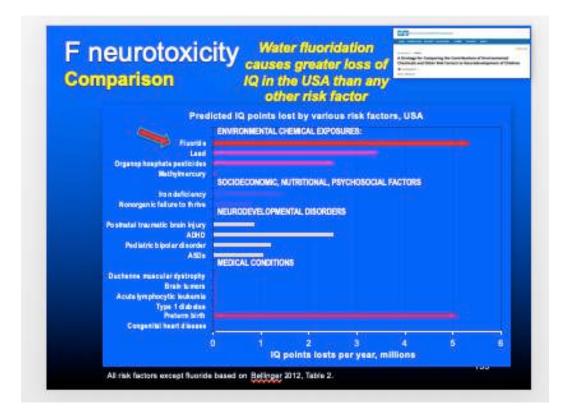
### (Graph by Connett and Neurath)

*Till et al, 2018.* again measured the urine fluoride levels in pregnant women across Canada and reported the urine fluoride levels were twice as high in fluoridated communities as in non-fluoridated communities. Till et al reported the average levels in the fluoridated communities were similar to the levels found by Bashash, i.e. 0.91 versus 0.87 ppm.

*Green et al., 2019* published in *JAMA Pediatrics* essentially replicated the Bashash, 2017 findings IQ lower in boys associated with maternal fluoride exposure but not in girls. Using two other ways of assessing maternal fluoride exposure they reported IQ low for boys and girls.

A podcast (LINK) by two of the *JAMA Pediatrics* editors is short and well worth watching. The editors also published in the same issue of the journal an editorial explaining this and an article from Dr. David Bellinger.

*Till et al., 2020.* showed that early infancy is another vulnerable period from fluoride for the developing brain. Till found a large significant lowering of IQ (i.e. up to 9 IQ points) for children who were bottle-fed in *fluoridated communities* in Canada (F level = 0.7 ppm or less) compared to those who were bottle-fed in *non-fluoridated communities*.



This figure is based on data collected by David Bellinger (<u>Bellinger, 2012</u>, Table 2) only the fluoride data line has been added. Figure by Chris Neurath (<u>ISEE-2020</u> <u>poster</u>)

Gram for gram, based on our current understanding, fluoride is not more neurotoxic than lead. Lead levels and IQ loss is measured in parts per *billion* fluoride and IQ loss is measured in parts per *million*. However, millions of people every day in the USA is leading to a greater overall loss of IQ points at the population level.

Studies reporting no IQ concerns.

<u>Broadbent et al. (2015)</u> The draft versions of the systematic review by the NTP gave this study a low-quality rating (a high risk of bias). Osmunson<sup>75</sup> reported the study had little power to find a difference in IQ between the children who drank fluoridated water and those who didn't. There were nearly 1000 children who grew up in a fluoridated area but less than 100 who did not. Only fluoride via water was measured and not via tea, toothpaste or via supplements which are seldom prescribed to those on fluoridated water; therefore, most supplements would have been pre-

<sup>&</sup>lt;sup>75</sup>Osmunson, B., Limeback, H., & Neurath, C. (2016). Study Incapable Of Detecting IQ Loss From Fluoride. *American journal of public health*, *106*(2), 212–213. https://doi.org/10.2105/AJPH.2015.302918

scribed in the non fluoridated 100 children. Exposure during fetal and infant development were not measured.

Aggeborn and Öhman (2016). <u>The Effects of Fluoride In The Drinking Water</u>. looked at populations by region in Sweden and used the average naturally occurring fluoride level because Sweden is not artificially fluoridated. The authors considered population measurements for cognitive ability and achievement. Individual measurements of fluoride exposure were not made. Dr. Vyvyan Howard, an infant and fetal pathologist, "Anybody who accepts that this paper trumps Bashash and/or Green can't have read any of the studies very thoroughly - or has an agenda."

*Guth et al.* 2020 and 2021 incorrectly give more weight to the Broadbent study than to the Green study with individual measured fluoride concentrations.

<u>Miranda et al., 2021</u> only considered studies of children aged 8- 12. (See https://www.qeios.-com/read/X3MKH8).

<u>Ibarluzea et al., 2022</u>. This prospective cohort study from Spain is an outlier. They did *not* find a loss of IQ in the fluoridated community compared to the non-fluoridated community, rather they found a *15 IQ point benefit* for boys. Ibarluzea et al appears to have failed to adequately control for other toxins such as for lead and arsenic in the industrial non-fluoridated community.

## TOXIC SUBSTANCE CONTROL ACT LEGAL ACTION

In 2017, the EPA was taken to Federal court (Region 9, San Francisco). Experts for the plaintiffs were Howard Hu (director of the ELEMENT cohort in Mexico City which was used in the Bashash, 2017 and 2018 studies); Bruce Lanphear, a world-renowned expert on lead's neurotoxicity and co-author of the Green, 2019 and Till, 2021 studies and Philippe Grandjean, a world-renowned expert on mercury's neurotoxicity and author of <u>a risk assessment (BMD analysis)</u> on fluoride's neurotoxicity.

*EPA used Exponent, Inc. experts.* The EPA lawyers chose not to use scientists from within the agency, but instead used experts from the firm *Exponent, Inc.* This firm is well known for being highly industry-friendly defending the safety of such chemicals as dioxins, PCBs, PFOS and Monsanto's glyphosate. The Exponent's experts agreed the four US government-funded studies (Bashash, 2017, 2018; Green, 2019 and Till, 2020) are the highest quality human studies on fluoride conducted to date.

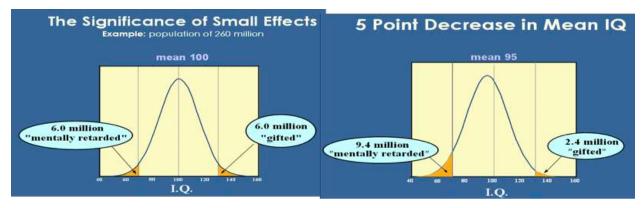
Hu, "Fluoride is a developmental neurotoxicant at levels of exposure seen in the general population in water-fluoridated communities." Grandjean<sup>76</sup> "IQ losses associated with community water fluoridation are substantial and of significant public health concern."

Lamphear<sup>77</sup> "Fluoride exposure during early brain development diminishes the intellectual abilities in young children."

Estimating the cost of lower IQ depends in part on what is included in lower IQ. Research indicates we can expect more than 50% increase in special education students, half as many gifted, increase in incarceration, increase in divorce, increase in job loss and less job retention. Higher IQ is also associated with increased happiness.

For more human studies reporting fluoride's developmental neurotoxicity, see <u>https://fluorideal-ert.org/studies/brain01/</u> where a review of studies which do not report an association between fluoride and IQ can be found.

Graphing the effect of 5 IQ loss on the population below raises serious concern.



(Illustration used by Physicians for Social Responsibility and effects of lead)

<sup>&</sup>lt;sup>76</sup>Phillipe Grandjean MD DMSc Chair of Environmental Medicine at the University of Southern Denmark. Nearly 500 papers published, specialized in developmental exposures to environmental chemicals like mercury, fluoride, and lead.

<sup>&</sup>lt;sup>77</sup>Bruce Lamphear MD MPH Professor of Health Sciences at Simon Fraser University.

In addition, blood lead levels in fluoridated communities are twice as high for whites and six times higher for African Americans.<sup>78</sup>,<sup>79</sup>,<sup>80</sup>

There is an incredible correlation between IQ and income. Various reports find homeless mean IQ of 80, average American welfare recipient IQ 92, millionaires IQ 118 and billionaires 130.<sup>81</sup> However there is not a direct correlation between dollars and IQ. For example, some professions such as University Professors, Judges, and Humanitarian agency employees often have very high IQ but chose the betterment of society rather their own financial benefit.

We are just beginning to determine what dimension of IQ is harmed the most with fluoride ingestion. "<u>According to</u> professor Howard Gardner of Harvard University, intelligence can be measured along seven different dimensions: Visual-spatial, bodily-kinesthetic, musical, social, emotional, linguistic, and logical-mathematical. At most, an IQ test tries to measure three of these: Visual-spatial, linguistic, and logical-mathematical. Some people see even more dimensions creativity, memory and retention, reaction time, etc."

As scientists test fluoride's neurotoxic effects in more specific ages, races, genders, nutrients, diseases, medications, and various intelligence dimensions, we will have a more clear and elevated confidence on precisely how much and what aspects of the human brain and nervous system is being harmed.

There will always be some who in effect require RCTs of harm to prove damage. However, an ethical approach only requires our confidence to be at a potential of harm.

<sup>&</sup>lt;sup>78</sup>Coplan MJ, Patch SC, Masters RD, Bachman MS. Confirmation of and explanations for elevated blood lead and other disorders in children exposed to water disinfection and fluoridation chemicals. Neuro-toxicology. 2007 Sep;28(5):1032-42. doi: 10.1016/j.neuro.2007.02.012. Epub 2007 Mar 1. PMID: 17420053.

<sup>&</sup>lt;sup>79</sup>Maas RP, Patch SC, Christian AM, Coplan MJ. Effects of fluoridation and disinfection agent combinations on lead leaching from leaded-brass parts. Neurotoxicology. 2007 Sep;28(5):1023-31. doi: 10.1016/j.neuro.2007.06.006. Epub 2007 Jun 30. PMID: 17697714.

<sup>&</sup>lt;sup>80</sup>Masters RD, Coplan MJ, Hone BT, Dykes JE. Association of silicofluoride treated water with elevated blood lead. Neurotoxicology. 2000 Dec;21(6):1091-100. PMID: 11233755.

<sup>81</sup>https://pumpkinperson.com/2016/02/11/the-incredible-correlation-between-iq-income/

Muir<sup>82</sup> (2001) estimated 5 IQ loss in the USA of \$275 and \$326 Billion per year or \$980 to \$1,160 PPPY in 2001 and correcting 2.2 for 2010 dollars is \$2,156 to \$2,552PPPY

The highest estimate of fluoridation's benefit is lost when including cosmetic and functional harm and presumed developmental neurotoxic effects are more confident than a judgment of potential harm.

Attempting to measure harm to the brain with money, fails to include the emotional harm and grief for the patient, their families and friends.

<sup>&</sup>lt;sup>82</sup>Muir T, Zegarac M., Societal Costs of Exposure to Toxic Substances: Economic and Health Costs of Four Case Studies That Are Candidates for Environmental Causation. Environmental Health Perspectives Volume 109 Supplement 6. December 2001.

### VII. RISK: POTENTIAL ADHD INCREASE.

Attention Deficit Hyperactivity Disorder (ADHD) has become one of the most commonly diagnosed childhood behavioral disorders. Its basic characteristics are inattention, hyperactivity and impulsivity. "ADHD often continues into adolescence and adulthood, which can lead to medication dependency and a lifetime of treatment (Maddox et al.YEAR)"

*Malin and Till* examined the relationship between exposure to fluoridated water and ADHD prevalence among children and adolescents, ages 4-17, in the United States. The authors found that, the percentage of each state fluoridated as assessed in 1992, "significantly positively predicted state prevalence of ADHD in 2003, 2007 and 2011, even after controlling for socioeconomic status."

A multivariate regression analysis showed that after socioeconomic status was controlled each 1% increase in artificial fluoridation prevalence in 1992 was associated with approximately 67,000 to 131,000 additional ADHD diagnoses from 2003 to 2011. Overall state water fluoridation prevalence (not distinguishing between fluoridation types) was also significantly positively correlated with state prevalence of ADHD for all but one year examined." (Malin & Till, 2015). See figure below

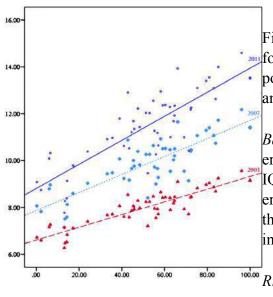


Figure 12: Percent of children with ADHD (by state) for 2003, 2007 and 2011 plotted against the % of the population in each state fluoridated in 1992 (Mallin and Till, 2015)

*Bashash et al., 2018* using the same ELEMENT mother-child cohort in Mexico City that they used in their IQ study (Bashash et al, 2017) found that as the mothers' exposure to fluoride increased (as measured in their urine) so did the number of symptoms of ADHD increase in their offspring

*Riddell, et al. 2019.* Reported 284% increase in the prevalence of ADHD among adolescents in fluoridated

communities in Canada compared to non-fluoridated communities.

ADHD appears to have different phases and life long effect.83

<sup>&</sup>lt;sup>83</sup>Brod, M., Schmitt, E., Goodwin, M. et al. ADHD burden of illness in older adults: a life course perspective. Qual Life Res 21, 795–799 (2012). https://doi.org/10.1007/s11136-011-9981-9

CDC<sup>84</sup> 2016 reported National Prevalence of ADHD at 6.1% children 2-17. That reduces 4.5% of the total population are on fluoridated water. We estimate half or 2.25% of the ADHD is from fluoridation.

<u>Miller</u><sup>85</sup> estimated excess ADHD costs from \$143 to \$266 Billion per year, we use 2.25% of 180 Billion resulting in \$4 Billion per year, 60 year lifespan, for \$240 Billion ADHD lifetime harm from fluoridation. For every dollar saved with fluoridation, ADHD costs increase by \$1,700. However, some of these costs would overlap with costs for lower IQ.

<sup>&</sup>lt;sup>84</sup>Danielson M, Bitsko R, Ghandour RM, Holbrook J, Kogan, M, Prevalence of Parent-Reported ADHD Diagnosis and Associated Treatment among U.S. Children and Adolescents, 2016.. Journal of Clinical Child and Adolescent Psychology. Published online before print January 24, 2018

<sup>&</sup>lt;sup>85</sup>Miller C, Study Finds Substantial Economic Impact of ADHD in the United States. American Psychiatric Association Foundation, November 2016.

#### VIII. RISK: ENDOCRINE AND HORMONE DISRUPTION (See also endnotes)

"Endocrine systems, also referred to as hormone systems, are found in all mammals, birds, fish, and many other types of living organisms. They are made up of:

- -Glands located throughout the body;
- -Hormones that are made by the glands and released into the bloodstream or the fluid surrounding cells; and
- -Receptors in various organs and tissues that recognize and respond to the hormones."86, 87

Hormones regulate many biological processes and regulate blood sugar, growth, , reproductive organs, metabolism, sex hormones, development of the brain, and nervous system, testes, ovaries, pituitary, thyroid and adrenal glands.

The National Research Council (NRC, 2006) panel devoted a whole chapter to a discussion of fluoride and the endocrine system.

The panel concluded that fluoride was an endocrine disruptor. The authors state:

"The chief endocrine effects of fluoride exposures in experimental animals and in humans include decreased thyroid function, increased calcitonin activity, increased parathyroid hormone activity, secondary hyperparathyroidism, impaired glucose intolerance, and possible effects on the timing of sexual maturity. Some of these effects are associated with fluoride intake that is achievable at fluoride concentrations in drinking water of 4 mg/L or less, especially for young children or for individuals with high water intake. (p. 8, NRC 2006)

"In summary, evidence of several types indicates that fluoride affects normal endocrine function or response; the effects of the fluoride-induced changes vary in degree and kind in different individuals. Fluoride is therefore an endocrine disruptor in the broad sense of altering normal endocrine function or response, although probably not in the sense of mimicking a normal hormone." (p. 266, NRC 2006)

<sup>&</sup>lt;sup>86</sup>https://www.epa.gov/endocrine-disruption/what-endocrine-system#hormones

<sup>&</sup>lt;sup>87</sup>United States Environmental Protection Agency, What is the Endocrine System? https://www.epa.gov/endocrine-disruption/ what-endocrine-system#hormones

Endocrine damage is a serious concern. Endocrine disruption can cause developmental malformations, reproductive harm, increased cancer risk, disturbances in the immune and nervous system function.

Cost of Endocrine disruption from fluoride. Attina<sup>88</sup> (2016) estimated the economic burden due to the health effects of endocrine-disrupting chemicals at \$340 Billion which maybe low. Estimating how much damage is caused by each specific endocrine disrupting chemical has not been published. The amount of damage from fluoride exposure is not know and probably overlap with lower IQ and ADHD.

Liang<sup>89</sup> "These results revealed that fluoride could induce mitochondrial impairment and excessive PINK1/Parkin-mediated mitophagy in testicular cells, especially in Leydig cells, which could contribute to the elucidation of the mechanisms of F-induced male reproductive toxicity."

<sup>&</sup>lt;sup>88</sup> Attina TM Hauser R Sathyanarayana S et al. Exposure to endocrine-disrupting chemicals in the USA: a populationbased disease burden and cost analysis. Lancet Diabetes Endocrinol. 2016; 4: 996-1003

<sup>&</sup>lt;sup>89</sup>Liang C, Gao Y, He Y, Han Y, Manthari RK, Tikka C, Chen C, Wang J, Zhang J. Fluoride induced mitochondrial impairment and PINK1-mediated mitophagy in Leydig cells of mice: In vivo and in vitro studies. Environ Pollut. 2020 Jan;256:113438. doi: 10.1016/j.envpol.2019.113438. Epub 2019 Oct 21. PMID: 31672359.

## IX. RISK: POTENTIAL FOR THYROID HARM (See also endnotes)

In 2006, the NRC panel reported: "Fluoride exposure in humans is associated with elevated TSH concentrations, increased goiter prevalence, and altered T4 and T3 concentrations; similar effects in T4 and T3 are reported in experimental animals, but TSH has not been measured in most studies." (p. 262) An elevated TSH level is an indicator of low thyroid function.

The NRC panel also indicated that effects on the thyroid have been observed at very low levels. They state that, "In humans, effects on thyroid function were associated with fluoride exposures of 0.05-0.13 mg/kg/day when iodine intake was adequate and 0.01-0.03 mg/kg/day when iodine intake was inadequate (Table 8-2)." (p. 263, NRC 2006).

*Hypothyroid and fluoride study from UK*. These concerns were further reinforced by new research conducted in the UK and published in 2015 by Peckham et al.<sup>90</sup>

Peckham et al. used the records of over 98% of the General practices in England on the numbers of patients treated for hypothyroidism and examined the prevalence of this condition as a function of the fluoride levels in the local drinking water supplies. The authors noted that:

"Approximately, six million people (10%) in England live in areas where drinking water contains natural fluoride or which has been artificially fluoridated at a target concentration of 1 ppm (1 mg/L). Using prevalence data from the UK QOF, an analysis was undertaken to determine whether prevalence was affected by practice populations being situated in fluoridated areas at >0.7 mg/L and areas with lower levels of fluoride. While there are other sources of fluoride in people's diet (eg, tea), drinking water is the most significant source of ingested fluorides in the UK." (Peckham et al, 2015)

The UK research team found that higher levels of fluoride in drinking water was a useful predictor of the prevalence of hypothyroidism. They found that general medical practices located in the West Midlands (a wholly fluoridated area) are nearly twice as likely to report high hypothyroidism prevalence in comparison to Greater Manchester (non-fluoridated area). (Peckham et al, 2015)

Peckham et al, concluded:

"In many areas of the world, hypothyroidism is a major health concern and in addition to other factors—such as iodine deficiency— fluoride exposure should be considered as a contributing factor. The findings of the study raise particular concerns about the validity of community fluoridation as a safe public health measure." (Peckham et al, 2015)

<sup>&</sup>lt;sup>90</sup>Peckham S, Lowery D, Spencer S. 2015. Are fluoride levels in drinking water associated with hypothyroidism prevalence in England? A large observational study of GP practice data and fluoride levels in drinking water. J Epidemiol Community Health 69(7):619-24. <u>https://www.ncbi.nlm.nih.gov/pubmed/25714098</u>

- A. Peckham's findings are not totally unexpected, because of the experience of doctors using fluoride to lower thyroid function in patients with hyperthyroidism. Hypothyroidism is a very common disorder in the US. In fact, one of the most prescribed drugs in the USA is synthroid, which is used to treat hypothyroidism. It can have serious adverse health effects.
- B. Race may be a factor in sensitivity to certain thyroid diseases, which may make minorities more vulnerable to fluoride's impacts on thyroid function
- C. Reduced thyroid function in pregnant women is linked to reduced IQ in their children and there is accumulating evidence that fluoride, at levels within the range to which fluoridated populations are exposed, is associated with lowered IQ (see section 14 above). Fluoride's effect on thyroid function might be one mechanism by which it lowers IQ.

Malin et al, 2018. In a large study of the Canadian population did not find an association between fluoride exposure and TSH levels (a biomarker for HYPOthyroidism) in the general population but she did find that *the subset of the population which had outright or borderline iodine deficiency had their TSH levels raised further by fluoride exposure*.

In other words, those who were already pre-disposed to low thyroid function (because of low iodine intake) had their condition made worse by fluoride exposure.

## X. RISK: CANCER

The Nuffield Committee recommended evaluating fluoridation on the "potential" of harm.

Thiessen<sup>91</sup> (2010) "The EPA should be aware that three U.S. courts have found fluoridated water to be carcinogenic to humans (described in detail by Graham and Morin 1999). The NRC's committee on fluoride toxicology unanimously concluded that 'Fluoride appears to have the potential to initiate or promote cancers,' even though the overall evidence is 'mixed' (NRC 2006a). . . The question becomes one of how strongly carcinogenic fluoride is, and under what circumstances."

Bassin (2006)"We observed that for males diagnosed before the age of 20 years, fluoride level in drinking water during growth was associated with an increased risk of osteosarcoma, demonstrating a peak in the odds ratios from 6 to 8 years of age. All of our models were remarkably robust in showing this effect, which coincides with the mid-childhood growth spurt." (Bassin, et al., Cancer, Causes & Control, 2006)

Osteosarcoma is a rare, but deadly, form of cancer that strikes primarily during the teenage years. A national case control study published in 2006 by Harvard scientists found that boys exposed to fluoridated water during their 6th, 7th, and 8th years of life (the mid-childhood growth spurt) had a significantly elevated risk of developing osteosarcoma during adolescence. (Bassin 2006). The sex-specific link between fluoride and osteosarcoma in young males is consistent with the gov-ernment's animal study, (NTP 1990), which found osteosarcomas in the fluoride-treated male rats, but not the female ones. It is also consistent with previous studies by the National Cancer Institute and New Jersey Department of Health, which both found associations between fluoridation and osteosarcoma in young males. (Cohn 1992; NCI 1990)

The plausibility of a fluoride/osteosarcoma connection is grounded in the three considerations:

- 1. Bone is the principal site of fluoride accumulation, particularly during the growth spurts of childhood;
- 2. Fluoride is a mutagen when present at sufficient concentrations; and
- **3**. Fluoride stimulates the proliferation of bone-forming cells (osteoblasts), which may "increase the risk for some of the dividing cells to become malignant." (NRC 2006).

A number of studies did not find an association between fluoride and osteosarcoma. However, they were not "age-specific" and not as carefully controlled. Douglass compared bone tumors with osteosarcoma and did not repot a significant increase in bone fluoride concentrations. However, he did not compare fluoride concentrations with age controlled healthy bone fluoride

<sup>&</sup>lt;sup>91</sup> KM Thiessen, Senes Oak Ridge, Inc. Center for Risk Analysis. Comments on

the Need for Revision of the NPDWR for Fluoride May 27, 2010 p. 8. https://fluoridealert.org/wp-content/uploads/ connett-2010.pdf

concentrations. Similar age normal bone has about 200 ppm, the tumors double and osteosarcoma triple the fluoride concentration. Comparing the osteosarcoma bone with normal bone does show a significance.

Takahashi<sup>92</sup> (2001) reported, "cancers of the oral cavity and pharynx, colon and rectum, hepatobiliary and urinary organs were positively associated with FD. This was also the case for bone cancers in male, in line with results of rat experiments. Brain tumors and T-cell system Hodgkin's disease, Non-Hodgkin lymphoma, multiple myeloma, melanoma of the skin and monocytic leukaemia were also correlated with FD. Of the 36 sites, 23 were positively significant (63.9%), 9 not significant (25.0%) and 4 negatively significant (11.1%). This may indicate a complexity of mechanisms of action of fluoride in the body, especially in view of the coexising positive and negative correlations with the fluoridation index. The likelihood of fluoride acting as a genetic cause of cancer requires consideration."

<sup>&</sup>lt;sup>92</sup>Kosei Takahashi, Kenji Akiniwa, Kenichi Narita. Regression Analysis of Cancer Incidence Rates and Water Fluoride in the U.S.A. based on IACR/IARC (WHO) Data (1978-1992). Journal of Epidemiology. https:// www.jstage.jst.go.jp/article/jea1991/11/4/11\_4\_170/\_article/-char/ja/

### XI. RISK: ENVIRONMENTAL JUSTICE

#### Other Potential Harm. (See also endnotes)

Fluoride ingested appears to go to all tissues. There are no tissues which appear safe from ingested fluoride. Only time will confirm whether fluoride harms all tissues. Some scientists have the greatest concern for the harm to the mitochondria.

A major prospective cohort study from Sweden demonstrates a higher risk of hip fractures in post-menopausal women associated with long term exposure to natural fluoride *at levels in water in the same range as America fluoridates its water* [Helte et al., 2021].

Recent epidemiological studies conducted in the United States, using individual biomarker measures of fluoride exposure, reported an association between low to moderate fluoride intake and impaired renal and hepatic function [Malin et al., 2019], increased risk of hyperuricemia [Wei et al., 2021], as well as adverse effects on reproductive endocrinology in U.S adolescents [Bai et al., 2020].

African Americans and Hispanics have been shown to be at an increased risk of developing dental fluorosis, and have a higher risk of suffering from the more severe forms of this condition (Russell, 1962; Butler et al., 1985; Williams and Zwemer, 1990; Beltrán-Aguilar et al., 2005; Martinez-Mier and Soto-Rojas, 2010).

Fluoride is more toxic when exposure is accompanied by poor nutrition, especially low iodine and calcium intake. Poor nutrition is more likely to occur in low-income families than those with higher incomes.

Lactose intolerance is more frequent among Blacks and other ethnic groups than whites. Central and East Asians are 80-100% lactose intolerant (de Vrese, 2001); Native Americans are 80-100% lactose intolerant (National Institute of Child Health and Human Development, 2006); African Americans are 75% lactose intolerant, and Southern Indians are 70% lactose intolerant (de Vrese, 2001). Less consumption of dairy products typically means lower exposure to calcium. Calcium in the diet helps to a certain extent to protect against absorption of fluoride from the gut.

African Americans consume significantly more total fluids and plain water, and thus receive more fluoride from drinking water, than white children (Sohn et al., 2009).

Minority families are less likely to breast-feed their children. As human milk contains very low levels of fluoride (Ekstrand et al., 1981, 1984; Sener et al., 2007), when baby formula is made up with fluoridated water it leads to over 100 times more exposure to fluoride than breast-feeding (see 6.5 above). African Americans are less likely to breastfeed than most other racial groups: "non-Hispanic blacks had a lower prevalence of breastfeeding initiation than non-Hispanic whites in all but two states…"-(CDC, 2010).. If the parent reduces the amount of formula to save

money as many poor parents do (Stein 2008; Egemen et al., 2002; Parraga et al., 1988), and adds more water than recommended, these children will receive even higher levels of fluoride.

Minority communities have a greater incidence of kidney disease. Poor kidney function increases fluoride's uptake into the bone, which is likely to increase the rates of arthritis and hip fractures (over a lifetime).

Minority communities have a greater incidence of diabetes, some forms of which lead to an increased consumption of water, which in turn leads to a greater consumption of fluoride.

(Sohn et al., 2009). Sener et al., 2007), African Americans are less likely to breastfeed than most other racial groups: "non-Hispanic blacks had a lower prevalence of breastfeeding initiation than non-Hispanic whites in all but two states..." (CDC, 2010).. If the parent reduces the amount of formula to save money as many poor parents do (Stein 2008; Egemen et al., 2002; Parraga et al., 1988),

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## XII. ALTERNATIVES TO FLUORIDATION

If a person seriously wants to ingest fluoride, alternatives are available. The FDA has not approved fluoridation nor swallowing fluoride toothpaste. Swallowing a pea size of fluoridated toothpaste is an alternative, provides individual choice, is less expensive but still not ethically ideal. Prescriptions for supplements and topical fluoride application in schools and oral hygiene has been suggested.<sup>93</sup>

However, the best alternative is oral hygiene and diet instruction along with raising the socioeconomic status of a community.

<sup>&</sup>lt;sup>93</sup>Ethics Consultation Report Ethical Considerations in Community Water Fluoridation, by the Public Health Agency of Canada's Public Health Ethics Consultative Group, December 18, 2018 p.1. <u>https://www.caphd.ca/sites/de-fault/files/Ethical%20Considerations%20for%20Community%20Water%20Fluoridation.pdf</u>

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reservation or purpose of evasion; and that I am about to enter: So the office on which I will well and faithfully without any mental against all enemies the United States support and defend toreign and domestic; "I do solemnly swear ischarge the duties of aith and allegiance to the **Constitution** of hat I will bear true or affirm) that I will ielp me God." his obligation freely, he same; that I take

Plase dand with APR 132022 US the grople own WA State Board of Health rights shall maller. The right to choose for and children. DO not vote to add covid vaccine to the op to school agenda. Carla Messal

Shawna Muendel P.O Box 47990 Olympia Wa 98504-7990



MMM'BCHM'OBC EFFENSBRIG' MV 38359 BVCK CORNLEX HOBSEWEN OF MVSHINCLON April 28, 2022

Mr. Stuart Glasoe SBOH Health Policy Advisor

Mr. Glasoe and Board Staff,

We appreciate the task you have of revising the <u>Keeping of Animals</u> policy and also your language mitigation in response to our members' past concerns.

We are requesting that you delay putting the CR 102 Keeping of Animals Draft Policy Proposal on the June  $8^{th}$  agenda. There are many unresolved concerns. We also request time to form a stakeholder work group to address these concerns. The pandemic has caused delays and interruptions to many forms of business. Our members need time to work out the concerns in this draft policy.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Thank you for your time, your consideration, and the opportunity to comment.

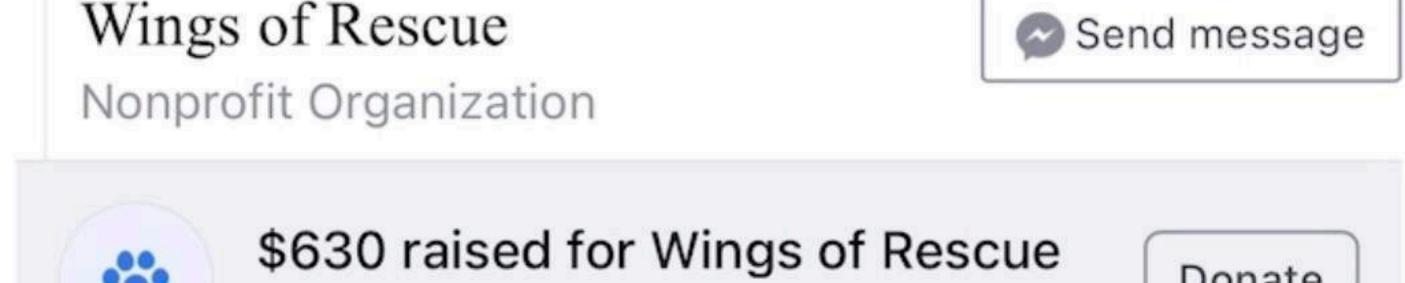
president@bchw.org Back Country Horsemen of Washington President Dana Chambers 2 cham Sincerely,

Wings of Rescue is Sasking for donations. June 13, 2020 at 3:44 PM · 🛞

What has 996 legs, weighs 7,151 pounds and flies? The answer is the 201 dogs 43 cats and 5 rabbits who flew on Wings of Rescue's flights over the last 48 hours! from overcrowded shelters in Texas, the Bahamas, Louisiana and Mississippi We want to send a huge thank you to IFAW and the Petco Foundation! Wings of Rescue will be back in the air over the next few weeks with flights from Louisiana, Texas, Oklahoma, Mississippi and Puerto Rico. Please support our rescue flights by donating online at www.wingsofrescue.org//donate or by mailing a check to Wings of Rescue P.O. Box 21747, Seattle, Wa. 98111. Another Ric Browde shipment caused deadly virus outbreak Causing the death of pets in the shelters they are



## Wings of Rescue



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**NOVEMBER 2021** 



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**NTI Paper** 

Results from the 2021 Tabletop Exercise Conducted in Partnership with the Munich Security Conference

## SUMMARY

In March 2021, NTI partnered with the Munich Security Conference to conduct a tabletop exercise on reducing high-consequence biological threats. The exercise examined gaps in national and international biosecurity and pandemic preparedness architectures—exploring opportunities to improve prevention and response capabilities for high-consequence biological events. This report summarizes the exercise scenario, key findings from the discussion, and actionable recommendations for the international



Jaime M. Yassif, Ph.D. Kevin P. O'Prey, Ph.D. Christopher R. Isaac, M.Sc.

# **NTI:**bio



## **WASHINGTON FARM BUREAU**

- To: Washington State Board of Health
- Date: April 26, 2022
- RE: Proposed rulemaking: WAC 246-203-130 Domestic Animal Waste

Dear Members of the Board of Health,

The Washington Farm Bureau is the state's largest general agricultural organization representing more than 47,000 member families statewide. We are a voluntary, grassroots advocacy organization representing the social and economic interests of farm and ranch families at the local, state and national levels. That is why Washington Farm Bureau is called the voice of agriculture.

In July 2019 we provided written comments expressing the serious concerns we had with staffgenerated amendments to WAC 246-203-130 related to animal waste. We found the amendatory language was too broad, exceeded the scope outlined in the originating CR-101, created opportunities for frivolous and expensive lawsuits, duplicated existing state and federal laws addressing manure management on ranches and dairies, impacted the protections provided to our farmers under the state's Right to Farm laws and created create an unfunded mandate on local governments.

The March 2022 version of the draft rule represents an improvement over earlier drafts, but still has internal problems that need to be addressed if the rule is to be eventually approved.

Here are the remaining areas of concern:

#### • Expands authority of LHO beyond provided statutory authorities.

- In subsection (1) of the proposed rule it states, "The purpose of this section is to establish standards for the prevention, control, and abatement of <u>health hazards and nuisance</u> <u>detrimental to human health related to the disposal of domestic animal waste</u>..." (emphasis added). The proposed rule also states in (2)(g) that ""Nuisance" includes an act of omission that harms, endangers, or interferes with the <u>health or safety</u> of another person." (emphasis added). The inclusion of "safety" in this definition seeks to broaden the authority of local health officers far beyond what is provided in state law. Laws for worker safety are found in the authorizing statutes for Department of Labor & Industries.
- Wrong WAC cited for livestock manure management.
  - In subsection (3)(d)(i) it states that domestic animal waste from livestock that is collected and stockpiled for later use or disposal must be stored in a manner that controls odors and attraction of flies, rodents, and other vectors. In the "Significant Legislative Rule Analysis" presented to the BOH dated March 1, 2022, it states on page 3 under "Rationale for Determination" the following: "This standard incorporates by reference, without material

change, standards/rules of another Washington state agency. It incorporates requirements of the state solid waste rules, chapter 173-350 WAC, including WAC 173-350-320(6) regulating agricultural waste piles."

However, subsection (6) of WAC 173-35-320 is the wrong subsection since it is for "Piles used for storage or treatment – Permit requirements." In this section it does require the operator to ensure the facility is operated in a way as to control nuisance odors, as well as litter, dust, rodents, insects, etc. <u>However</u>, <u>subsection (6)</u> is the wrong section to cite since it addresses permitted activities. Agricultural wastes are addressed in subsection (2) under the title "Piles used for storage or treatment – Permit exemptions." This section includes the following language: "In accordance with RCW 70.95.305, facilities managing solid wastes in piles meeting the conditions listed in <u>Table 320-A</u> and the conditions of (a) of this subsection <u>are exempt from solid waste handling permitting</u>." (emphasis added). Table 320-A includes "Agricultural waste and on-farm vegetative wastes stored on farms." More importantly, subsection (2)(a)(ii) states that farms must "Manage the operation to prevent fugitive dust and the attraction of vectors..." WAC 173-350-100 further clarifies that subsection (2) is the appropriate language by defining agricultural waste to include livestock manure.

Please note that WAC 173-35-100 (2) does not include any requirement for odor control. Therefore, the addition of the requirement to control odor in your proposed rule has no legal or statutory standing and must be removed.

#### Violates the state's Right to Farm law.

The Washington State Right to Farm law states in RCW 7.48.305 that "agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance <u>unless the activity or practice has a substantial adverse effect on public health and safety</u>." (emphasis added). The proposed rule before you has no qualifying language such as this. Rather it provides a broad requirement the stored waste must be managed to control odors, whether a public health issue has been determined to exist. Is the premise behind the proposed rule that any and all odors present a public health risk? In addition, nothing in your documentation cites any scientific research, or state and federal laws to substantiate this expansion of authority. Please also note that RCW 7.48.310, also part of the Right to Farm law, includes odors as a normal, acceptable condition related to agricultural activities.

#### Additional specificity required

 In subsection (4), the proposed rule states that "Before taking enforcement action the local health officer <u>must attempt</u> to communicate with the person who may be in violation of this section in order to explore the facts and, if the local health officer determines that a violation has occurred, <u>allow the person reasonable time</u> to correct the violation." (emphasis added). We appreciate this language to allow for a conversation and the ability for additional information to be collected before enforcement action is taken. However, we are concerned that there are no details or specifics for what constitutes an "attempt to communicate" or what is a "reasonable time" to correct the violation. Additional specifics are needed to provide the required transparency for the overall process that will be used, and to increase justice and equity by ensuring all citizens are treated equally and that the rule is implemented in a uniform manner statewide.

#### • Pasture livestock and Free-range grazing

- Earlier versions of the proposed changes to WAC 246-203-130 excluded both "pasture livestock" and "free-range grazing" from the requirements of this rule. The March 2022 version no longer specifically excludes pasture livestock. By what principles, proven health concerns, or medical or scientific findings did you justify the removal of pasture livestock from this exemption?
- For the purposes of this proposed rule, what do these two terms mean and what are the specifics or definitions that a LHO will use to determine whether livestock in a pasture fall into either of these two categories. Please note, that in general livestock producers do not use these terms. I encourage you to do a Google search for "free range grazing" and you will find pictures or written descriptions of pasture livestock. Free-range grazing is more popularly used as a synonym for organically raised rather than a rangeland management practice.

#### Inaccurate Small Business Economic Impact Statement

The data used to validate the SBEIS is woefully inadequate. Of the 1000 businesses identified to receive the cost survey, only 41 or 4.1 percent of the recipients responded. Worse yet, the USDA National Agricultural Statistics Service (NASS) has identified 12,656 farms in Washington that raise cattle or pigs. That means the BOH reached out to less than 8 percent of just the cattle and pig producers in the state identified by NASS. This does not even include farms that raise other types of livestock. This is clearly not enough data to adequately quantify the potential impacts of this proposed rule.

Given these serious issues, both technical and policy based, we request that the Board delay action on this proposed rule and create a work group with key stakeholders to help address the many problems that we and others have raised.

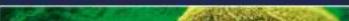
Sincerely,

Tom Davis Government Relations Director

## About the Nuclear Threat Initiative

NTI is a nonprofit global security organization focused on reducing nuclear and biological threats imperiling humanity. www.nti.org

## More from NTI | bio

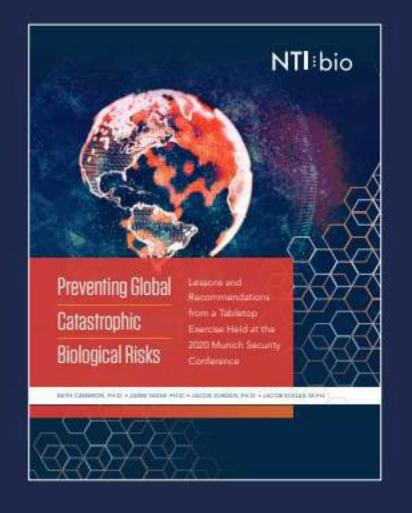




## June 2019

A Spreading Plague: Lessons and Recommendations for Responding to a Deliberate Biological Event

Beth Cameron, Ph.D., Rebecca Katz, Ph.D., M.P.H., Jeremy Konyndyk, M.S.F.S., and Michelle Nalabandian, M.F.S.



## September 2020

Preventing Global Catastrophic Biological Risks: Lessons and Recommendations from a Tabletop Exercise Held at the 2020 Munich Security Conference

Beth Cameron, Ph.D, Jaime Yassif, Ph.D., Jacob Jordan, Ph.D., and Jacob Eckles, M.P.H.

For more information visit www.nti.org/bio.



## 1776 Eye Street, NW | Suite 600 | Washington, DC 20006 | @NTI\_WMD | www.nti.org



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear WA State Board of Health,

We are the Friends of Toppenish Creek from Yakima County.

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.

We appreciate your hard work on WAC 246-203-130, especially the comprehensive paper, "Keeping of Animals". The documentation of health impacts deserves close attention.

- 1. In 2013 Davis et al found higher rates of campylobacteriosis in Whatcom and Yakima Counties, the WA counties with the highest concentrations of dairies and dairy animals.<sup>\*</sup> Please add this research to your literature review.
- 2. Unfortunately, the document "Keeping of Animals" is no longer up to date. Since 2018:
  - a) The WA Legislature has approved the HEAL Act and the Climate Commitment Act.
  - b) Staff at the WA State Dept. of Agriculture have discounted the value of Tech Note 23 assessments for manure lagoons.
  - c) Ecology has not completed a plan for nonpoint source pollution as promised.
  - d) There is even more data that documents egregious pollution of WA aquifers by concentrated animal feeding operations (CAFOs).
  - e) The Yakima Regional Clean Air Agency (YRCAA) has rescinded their Air Quality Management Policy for Dairies.

- f) People who live in areas with high levels of fine particulate matter from CAFO emissions have suffered higher than average rates of morbidity and mortality from COVID 19.
- g) The WA State Court of Appeals ruled that the WA Pollution Control Hearings Board erred. Ecology's 2017 National Pollutant Discharge Elimination System (NPDES) permit does not protect waters of WA State.

Below is a more thorough analysis of "Keeping of Animals" that explains the need for updates, followed by a critique of BOH's Cost Benefit Analyses.

- 3. RCW 43.20.050 (c) states, "the State Board of Health shall . . . adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains". We find no authority to delegate this duty to either the WA State Dept. of Agriculture or the WA State Dept. of Ecology. In fact, neither of these agencies are qualified to address human health.
- 4. RCW 34.05.310 addresses negotiated rule making. We are not sure whether the actions leading up to this draft rule constitute negotiated rule making or not. We do know that the BOH convened two stakeholder meetings in 2019 to discuss the rule. There were more advocates just for the dairy industry than advocates for the citizens. The beef industry brought their lobbyists as well. Only FOTC argued for protection of CAFO neighbors. Everyone at the table was Caucasian.

If this is negotiated rule making, there are insufficient protections to ensure that other agencies will do their part to protect public health. Currently Ecology and WSDA have the power to control air and water pollution, but they do not use that power, so air and water pollution from dairies continue. There are no memoranda of understanding to guarantee cooperation and collaboration.

Sincerely. kan Mendeza

Jean Mendoza

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

<sup>\*</sup> Davis, M. A., Moore, D. L., Baker, K. N., French, N. P., Patnode, M., Hensley, J., ... & Besser, T. E. (2013). Risk factors for campylobacteriosis in two Washington state counties with high numbers of dairy farms. *Journal of clinical microbiology*, *51*(12), 3921-3927. Available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3838072/

## KEEPING OF ANIMALS Background and Policy Recommendations of the Washington State Board of Health for Revising WAC 246-203-130

https://sboh.wa.gov/sites/default/files/2022-01/KeepingOfAnimals-FinalReport.pdf

### Pages 4 & 15:

Regulation of livestock manure, commercial animal feeding operations, and other domestic animal waste in Washington to protect water and air quality is framed mainly around the following:

- Dairy licensing
- National Pollutant Discharge Permits
- Nonpoint source pollution prevention
- Local ordinances
- Air quality control by Ecology and local air agencies

### Response:

WA dairies are required to have nutrient management plans, but they are not required to follow them.<sup>1</sup> See "Keeping of Animals" page 15 that says, "The law does not require producers to follow the (nutrient management) plans."

Dairies are only inspected every 18 - 22 months and the inspections focus on what is written on paper, not on what is happening on the dairy. There is only one WSDA inspector for all Eastern Washington where 2/3 of WA milk cows are housed.

Less than 10% of WA dairies have NPDES permits. Permitted dairies in Yakima County apply manure in quantities that greatly exceed agronomic rates.<sup>1</sup>

Ecology has yet to complete a nonpoint source pollution plan for the state. Ecology has worked on nonpoint source pollution since 2015 and is nowhere completion.<sup>3</sup>

Local ordinances are almost non-existent and are not enforced by local agencies, at least not in Yakima County.<sup>4</sup>

<sup>3</sup> Ecology Voluntary Water Guidance for Agriculture at <u>https://ecology.wa.gov/About-us/Accountability-</u> transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv

<sup>&</sup>lt;sup>1</sup> Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

<sup>&</sup>lt;sup>2</sup>See Attachment 1

<sup>&</sup>lt;sup>4</sup> See Attachment 2 – Email from the Yakima Health District re enforcement of Solid Waste Manure Composting rules

The Yakima Regional Clean Air Agency (YRCAA) rescinded an Air Quality Management Policy for Dairies in 2019. The YRCAA does not investigate air quality complaints against dairies and has never issued a notice of violation of odor or dust.<sup>5</sup> Washington CAFOs do not report hazardous air emissions.

The summary in "Keeping of Animals" gives the impression that other WA agencies address pollution from WA CAFO dairies. This is incorrect.<sup>6</sup>

Page 10:

The Lower Yakima Valley is similarly plagued by high nitrate levels in drinking water that are closely associated with significant numbers of farm animals and large animal feeding operations. Yakima County has the most dairy cows in the state (WSDA, 2011). About a third of the Lower Yakima Valley uses private, unregulated wells for drinking water. Between 10 and 20% of these wells have nitrate concentrations that exceed the national and state drinking water standard (USEPA, 2012b).

In 2018-2019 the Lower Yakima Valley Groundwater Management Area drilled 30 monitoring wells evenly spaced throughout the Lower Yakima Valley (LYV). At the time of drilling 45% of the wells had nitrate levels above 10 mg/L. Beginning in 2021 Ecology began sampling the monitoring wells to establish a baseline for the area. In the first two 2021 samplings 45% of the samples were above 10 mg/L.<sup>7,8</sup>

The EPA has studied nitrate levels in dedicated monitoring wells on a cluster of LYV dairies. The highest reading in the EPA studies is 234 mg/L.<sup>9</sup>

<sup>6</sup> Ecology and WSDA knew about pollution on a cluster of Lower Yakima Valley dairies for years, but gave the dairies glowing reports while the dairies applied manure to cropland at up to seven times agronomic rates. See Attachment 3.

<sup>7</sup> LYV GWMA Initial Ambient Groundwater Monitoring Well Report at <u>https://www.yakimacounty.us/DocumentCenter/View/21633/GWAC-Presentation---Monitoring-Well-Report-Overview---2019620-v20-1</u>

<sup>8</sup> WA Ecology Environmental Information Management System Data Base Groundwater Data at <u>https://apps.ecology.wa.gov/eim/search/Groundwater/GWSearch.aspx?SearchType=Groundwater&State=newsearch</u> <u>&Section=all</u>

<sup>9</sup> EPA Region X LYV Groundwater Fact Sheet 2014 Yakima Dairies Consent Order Update at <u>https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-fact-sheet-december-2014.pdf</u>

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC AA.pdf

### Page 15:

WSDA has conducted lagoon inspections in the Yakima Valley based on the site inventory and assessment procedure of Natural Resources Conservation Service (NRCS) Tech Note 23. Between 2015 and 2017, WSDA inspected most dairy lagoons in the Yakima Valley with a minimum of two site visits, to evaluate the lagoons when full and when empty. The lagoons are scored on criteria (e.g., soil type, aquifer susceptibility, proximity to water bodies, compliance with design standards) and ranked on a risk probability matrix for site risk and seepage/structure risk. The evaluations are being carried out in concert with the CAFO permit, giving facilities with high risks two years to develop and implement plans to address the deficiencies.

WSDA now says that the Tech Note 23 Inspections re invalid. WSDA has not completed Tech Note 23 Inspections outside Yakima County as promised. Tech Note 23 Inspections in Yakima County are missing essential data and those dairies with high risk lagoons have not developed and implemented plans to address the deficiencies as stated in "Keeping of Animals"<sup>10</sup>

Page 16:

Any commercial or industrial operation that discharges waste material to state waters is required to have a permit from Ecology.

This is simply not true. Two dairies in the LYV dairy cluster that have well documented discharges are not covered by NPDES permits.<sup>11</sup>

Discharges are allowed in limited situations and cannot violate water quality standards or impair other uses of the waters.

Many dairies in Whatcom County are located in flood plains. Manure from these dairies flowed into the floodwaters of the Nooksack River in 2021. Taxpayers spent hundreds of thousands of dollars to help Whatcom County dairies pump manure from lagoons that were at risk of overtopping during the 2021 floods.<sup>12</sup>

<sup>&</sup>lt;sup>10</sup> See Ecology and WSDA Do Not Inspect Manure Lagoons at <u>http://www.friendsoftoppenishcreek.org/issues/water.html</u>

<sup>&</sup>lt;sup>11</sup> The EPA has found egregious pollution from crop land and from unlined manure lagoons on the Henry Bosma Dairy and the Liberty Dairy in the LYV dairy cluster. Neither of these dairies has an NPDES permit.

<sup>&</sup>lt;sup>12</sup> Verbal communication from Laura Watson, Director of the WA Dept. of Ecology at the April meeting of Ecology's Ag and Water Quality Advisory Committee.

Decision on CAFO Permit Appeal On October 25, 2018, the Washington State Pollution Control Hearings Board (PCHB) issued an order on an appeal of the CAFO permits by a number of organizations on all sides of the issue. The order upheld and affirmed the permits with the exception of a condition associated with lagoon assessments. Ecology is expected to reissue the permits consistent with the order (WSPCHB, 2018).

A coalition of environmental groups successfully appealed the PCHB decision to the WA State Court of Appeals. In 2021 the Court of Appeals ruled that the 2017 NPDES permits for CAFOs do not protect waters of the state.<sup>13</sup>

Ecology and WSDA jointly administer CAFO permits and also work cooperatively on the Dairy Nutrient Management Program and Agricultural Nonpoint Source Program. The agencies are guided by a Memorandum of Understanding (MOU) that was last updated in 2011.

The referenced MOU protects WA dairies from enforcement of the Clean Water Act. The WSDA Dairy Nutrient Management Program (DNMP) hardly ever documents a discharge to waters of the state. Consequently, there is no justification for requiring a dairy to obtain an NPDES permit. The DNMP typically states that a dairy complies with best management practices (BMPs) although WSDA and Ecology state that there is no approved list of BMPS for dairies.<sup>14</sup>

Page 19:

Ecology is currently undertaking a major project to develop voluntary clean water guidance for agricultural activities. The project aims to identify agricultural practices that are most effective in addressing nonpoint source impacts and achieving compliance with water quality standards. Impetus for the project is federal law, specifically the Clean Water Act and Coastal Zone Act Reauthorization Amendments of 1990, which require the agency to identify suites of practices for different sources of nonpoint pollution. The project is part of Ecology's 2015 Nonpoint Source Pollution Plan. The planning, stakeholder involvement, and technical analysis are expected to take a couple years (WSDOE, 2015b, 2015c, 2017).

After at least seven years Ecology's nonpoint source plan is nowhere near completion.<sup>3</sup>

<sup>13</sup> Puget Soundkeeper et al v. WA Ecology 2021, available at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/D2%2052952-1-II%20PUBLISHED%200PINION%20(2).pdf</u>

<sup>14</sup> WSDA & Ecology Memorandum of Understanding – A Chain of Errors, available at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/MOU%20Problems%20and%20Sequelae.pdf</u> Page 20:

RCW 7.48.305 explains that agricultural activities that are consistent with good practices and that conform with all applicable laws and rules are assumed to be reasonable and do not constitute nuisance unless the activity has a substantial adverse effect on public health and safety.

In Yakima County officials have never investigated the adverse public health effects of agricultural activities such as:

- Polluting groundwater
- Polluting surface waters and contaminating fish
- Polluting the air with particulate matter, ammonia, hydrogen sulfide, volatile organic compounds, ozone, methane, and nitrous oxide. <sup>5</sup>

Because there are no documented impacts officials refuse to take actions against allegedly "good agricultural practices" such as:

- Composting hundreds of dead cows in small areas
- Composting manure in the pens where cows live
- Discharging pollutants into aquifers that people access for drinking water.<sup>5</sup>

Morbidity and mortality from COVID 19 are well above the state average in Yakima County. Harvard University has documented a relationship between counties with high levels of particulate matter and deaths from COVID 19.<sup>15</sup>

Chapter 35.88 RCW applies to protection of public water supplies and explains that animal operations such as hog pens and feed yards that pollute municipal water supplies, storage, or conveyance are illegal and should be abated as nuisance.

The Outlook Elementary School in Yakima County had to drill two new wells due to nitrate contamination. The only likely source of this pollution is nearby dairies with well documented discharge to groundwater. Officials took no actions against the dairies but simply expected taxpayers to cover the expense of drilling new wells.

The City of Mabton has been forced to drill several new municipal wells due to a falling aquifer and nitrate contamination that reached 20 mg/L. Officials took no actions against upgradient dairies but simply expected taxpayers to cover the expense of drilling new wells.

<sup>15</sup> COVID 19 Incidence and Death Rates for Yakima County, available at

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC</u> AA.pdf

http://www.friendsoftoppenishcreek.org/cabinet/data/COVID%2019%20Demographics%20for%20Yakima%20Cou nty%20IV.pdf

*RCW* 70.54.010 and *RCW* 90.48.080 respectively make it illegal to deposit anything deleterious that affects public water supplies or to discharge polluting matter to waters of the state.

Dairy discharges to waters of the state are well documented, yet Ecology does nothing to stop this illegal activity.

Chapter 70.95 RCW sets requirements for solid waste management, which extends to animal waste and includes provisions that prohibit dumping or depositing waste in waters of the state or creating a nuisance. Companion solid waste handling standards, chapter 173-350 WAC, exempt land application of manure if applied at agronomic rates. If piled, over-applied, or otherwise mismanaged to create a problem, manure can be regulated as a solid waste.

Over application of manure to cropland is well documented, yet WSDA and Ecology do nothing to stop this illegal activity.<sup>1, 2, 6, 9</sup>

Page 21:

King County first adopted its livestock management ordinance in the mid1990s. The purpose of KCC 21A.30, sections 040 – 075, is to support the raising and keeping of livestock and to minimize impacts on water quality and salmon habitat. The code also regulates small animals. The code regulates lot size, livestock densities, farm planning, and management practices to prevent nonpoint pollution. The management standards include many requirements for manure storage and spreading. Section 122 of KCC 21A.12 complements this with a manure storage setback of 35 feet from the property line. <u>Commercial dairies are exempt</u> and must meet the requirements of DNMP (King County, 2009, 2013).

The Keller Dairy in King County, located next to the Snoqualmie River, spreads manure within 10 feet of the river, according to their manure pollution prevention plan (MPPP).

<sup>1</sup> Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

<sup>6</sup> Ecology and WSDA knew about pollution on a cluster of Lower Yakima Valley dairies for years, but gave the dairies glowing reports while the dairies applied manure to cropland at up to seven times agronomic rates. See Attachment 3.

<sup>9</sup> EPA Region X LYV Groundwater Fact Sheet 2014 Yakima Dairies Consent Order Update at <u>https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-fact-sheet-december-</u>2014.pdf

<sup>&</sup>lt;sup>2</sup>See Attachment 1

See the Keller Manure Pollution Prevention Plan, page 11/22 that says:

In addition to using the MSA and ARM tools year-round, the appropriate seasonal setback distance will be utilized when applying manure. These seasonal setbacks are based on scientific studies which recommend specific distances for sediment and nutrient removal based on seasonal precipitation, soil saturation conditions, and surface runoff potential. This includes a more robust setback during the high risk months of October 1-February 28 of 100 feet, reduced to 40 feet from March 1-May 31 and September 1-September 30 when soils are drying, and <u>10 feet in the dry summer months of June 1-August 31 when precipitation is minimal and soils dry.</u> The following table lists the appropriate setback distances per season.<sup>16</sup>

### Page 24:

Registration and Reporting: Feedlots with 1,000 or more cattle in operation between June 1 and October 1 are required to register with Ecology or their local air agency under WAC 173-400-099 to WAC 173-400-104, report emissions of certain criteria and toxic air pollutants, and undergo inspections every one to three years. Emissions are estimated based on the size, processes, and pollution controls of the animal feeding operation. Ecology recently conducted a comprehensive literature review and issued revised emissions factors for cattle feedlots in 2016.

Are dairies classified as feedlots? None of the 50 CAFO dairies in Yakima County register as sources of air pollution, or report emissions of air pollutants. There are about 100,000 milk cows in a 273 square mile area in the Lower Yakima Valley (LYV).

Controlling Fugitive Emissions, Dust, and Odor: Under RCW 70.94.640, odors or fugitive dust from animal feeding operations that are applying BMPs<sup>17</sup> are exempt from the requirements of the state Clean Air Act unless they have a substantial adverse effect on public health. Feedlots with 1,000 or more cattle are included in this agricultural activity exemption except they must:

- Follow BMPs<sup>17</sup> and develop and implement a fugitive dust control plan;
- Comply with the State Implementation Plan (SIP) for air quality; and

• Additional controls may be required as part of the SIP if an area is designated as nonattainment for particulate matter under national ambient air quality standards (NAAQS).

<sup>&</sup>lt;sup>16</sup> Manure Pollution Prevention Plan (MPPP) Keller Dairy, page 11/22, available at file:///C:/Users/Jean%20Mendoza/Downloads/2020-07-28%20MPPP%20(5).pdf

<sup>&</sup>lt;sup>17</sup> According to WA Ecology there are no approved best management practices for WA dairies. See Attachment 4.

Ecology or the appropriate local air agency review and approve fugitive dust control plans, inspect sources, <u>respond to complaints</u>, provide compliance assistance, and may issue enforcement actions. In 1995, Ecology issued guidelines on fugitive dust control for beef cattle feedlots and best management practices. These guidelines are included in the SIP to help the state meet and maintain the NAAQS and protect public health. Yakima Regional Clean Air Agency has also established policies and BMPs for animal feeding operations in their jurisdiction, <u>specifically for dairy operations</u>, confined heifer replacement feeding operations, and confined beef cattle feeding operations. As an added note, Ecology is working to interpret and implement changes to RCW 70.94.640 made in the 2017 legislative session by SSB 5196 (C 217, L 17) that extend the Clean Air Act exemption for odor and fugitive dust caused by agricultural activities to cattle feedlots. This will change aspects of the regulatory structure when finalized.

Washington law requires Ecology to approve a list of best management practices for CAFOs. Friends of Toppenish Creek submitted public records requests for a listing of these BMPS in 2021. Both Ecology and WSDA replied that there are none.<sup>17</sup>

The Yakima Regional Clean Air Agency rescinded their policy for dairies in 2019. The YRCAA does not investigate complaints regarding odor and dust from dairies.<sup>5</sup>

Page 25:

Capitalize on Local Health Authority The rule should capitalize on the authority and responsibility of local health boards and local health officers under chapter 70.05 RCW. This includes authority to:

- Supervise the maintenance of all health and sanitary measures;
- Enact and enforce local regulations as needed to preserve, promote, and improve public health; and

• *Provide for the prevention, control, and abatement of nuisances detrimental to public health.* 

In response to a 2021 public records request the Yakima Health District informed FOTC that the YHD does not enforce WAC 173-350-220 with respect to manure composting facilities.

http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC AA.pdf

<sup>4</sup> See Attachment 2 – Email from the Yakima Health District re enforcement of Solid Waste Manure Composting rules

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at

Leave Regulation of Large Animal Feeding Operations to Established Programs WSDA manages the Dairy Nutrient Management Program and Ecology and WSDA comanage the CAFO permit. For many reasons, the programs are complicated and hard to implement. Despite the challenges, the two agencies are best positioned to regulate the state's large commercial animal feeding operations given their legal authorities, expertise, resources, and support from many partner agencies. The same holds true for regulation of air emissions by Ecology and the local air agencies. In keeping with the preceding recommendations, the Board's rule should avoid duplicating core work of these programs and should aim to support these existing state programs with complementary authority and functions.

We have shown that Ecology and WSDA have failed to protect the environment from water and air pollution related to CAFO dairies. These agencies barely talk about human health. Leaving implementation of public health to Ecology and WSDA is a recipe for failure.

## Small Business Economic Impact Statement WAC 246-203-130 a Rule Concerning Keeping of Animals

Page 4:

NAICS Code 1121, Description "Cattle Ranching and Farming", # of businesses in WA "534", MCT (1% average annual payroll) "\$3,657.58", MCT (0.03% annual receipts) "\$3,864.14"

We believe the cost estimates in this category that includes the multi-million dollar dairy industry, are inaccurate. We do not believe that the payroll for veterinary services exceeds the payroll for dairies as stated in the Economic Impact Statement.

## Significant Legislative Rule Analysis WAC 246-203-130 a Rule Concerning Keeping of Animals Revising the Section Title to Domestic Animal Waste

Page 16:

WAC 246-203-130(3)(d)(iii)(D)(II) Site stockpiled livestock waste one hundred feet or more from a surface water body unless the surface water body is protected by one or more control or treatment practices that capture and prevent leachate and runoff.

Description: If waste from livestock is stockpiled for later use or disposal, this proposed exception to WAC 246-203-130(3)(d)(iii)(D) allows people to site stockpiles closer than one hundred feet of a surface water body if practices are applied to mitigate runoff and leachate. This can include practices to mitigate stockpiles such as covers and pads, or alternate methods of storing stackable waste, such as stacking and composting structures.

Common conservation practices for stackable waste include the following, listed by NRCS code. Practices can be applied individually or in combination. Practices may or may not be designed and constructed to NRCS standards but should always be designed to account for anticipated storage needs, surface loads, drainage, and possible seepage.

This section fails to inform the reader that the definition of "stockpiling" in the draft WAC 246-203-130 exempts manure composting and manure lagoons from the definition. In Yakima County there are over 500 acres of manure compost on bare ground.<sup>18</sup> In Yakima County there are over 200 acres of manure lagoons, and most are simply "clay lined" which means they are lined with compacted soil.<sup>18</sup> Leaching from these lagoons is significant and well documented.<sup>19</sup>

WAC 246-203-130 does not sufficiently address groundwater pollution or air pollution.

NRCS standards are guidelines and non-enforceable.

<sup>18</sup>Lower Yakima Valley Groundwater Management Area Nitrogen Availability Assessment at <u>https://www.yakimacounty.us/2131/Nitrogen-Availability-Assessment</u>

<sup>19</sup> Bosma Dairy Lagoon 3 shows massive nitrogen loadings leading to ground water contamination, available at <a href="http://charlietebbutt.com/files/CAFOs/Bosma%20Lagoon%203%20Abandonment%20Plan\_20220118.pdf">http://charlietebbutt.com/files/CAFOs/Bosma%20Lagoon%203%20Abandonment%20Plan\_20220118.pdf</a>

## Attachment 1: Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

## Annual NPDES reports from DBD Dairy 2018 to 2021

Field Risk Level	Field	Nitrate at 2'	Re	equired Actions		uired Actions d Upon Trends		Comments
Low			1.41.11	and the second second				
Low	24	10						
Fall Soil Test Nitrate Range:	Old Mint	3	None		None		Cana	I break resulted in no water for 1.5 weeks, resulting
Less than 15 ppm			wome		None			s of vield.
<ul> <li>Less than 55 lbs/acre</li> </ul>								o or yield.
		Sec. 1	1		10-10-10-10			
Medium	018	17	1		T		-	
2 Million Contraction	02EC	18	1					
Fall Soil Test Nitrate Range:	08-118	27	Continue	with agronomic rate	None			I break resulted in no water for 1.5 weeks, resulting
<ul> <li>15-30 ppm</li> </ul>				- Hurug onorme rute	i vone		in los	is of yield.
<ul> <li>55-110 lbs/acre</li> </ul>								
A REAL PROPERTY AND A REAL PROPERTY.	A STATE OF THE	10.00				Alter Alter		A DAY OF A DAY
	02EB	45			1		-	
High	07		• 3'sa	amples to be taken				
	08-11C			t fall.				
Fall Soil Test Nitrate Range:	07 45 08-11C 46 21 42		S. 5352	54050334	None			I break resulted in no water for 1.5 weeks, resulting
• 31-45 ppm	22CP	39	• Re-6	evaluate agronomic	1 8888976		in los	s of yield.
<ul> <li>111-165 lbs/acre</li> </ul>	23	36	rate		2			
								(E)
		Lun		10-21-21-2	L.		1000	
Very High	01C	117						
	02NWB	65	2					
Fall Soil Test Norate Range More than 45 ppm	02SWB	52		amples to be taken				
<ul> <li>Wore than 165</li> </ul>	02WC	67	next	t fall.			Canal	I break resulted in no water for 1.5 weeks, resulting
Ine/apre	03B	161	1977 - 1979 -	1000 - Marke				s of yield.
	03C	140		uce application	224/35/55	1124235030109		S OF FICIL
	04	64		luate agronomic	None at	this time	Some	e fields have produced residual ppm levels that are
	05	65	rate	<b>9</b> .00				above what would typically be expected given the
	06	54		1.				ed manure rates.
	2255	63		approval of nutrient			8.001	
	25	48	bud	get from DOE.				
	-							
	-				1		-	
		1				and a stress	1	
62°								
TABLE 3: Adaptive Manag	ement Action	s (Based on	Fall-2019	data)	1	11		
DBD WASHINGTON, LLC	7.				1.1			
Field Risk Level	Field	12.12	Nitrate	Required Actions		Required Actions	based	Comments
a service of the serv	14216 (21)		at 2'			upon Trends		comments
Low	Old Mint		17	None				

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions based upon Trends	Comments
Low Fall Soil Test Nitrate Range Less than 15 ppm Less than 55 lbs/acre	Old Mint	1.7	None.		
Aedium	01 C	30.3	Continue with agronomic		
all Soil Test Nitrate Range	08-11 C	18.8	rate.		
<ul> <li>15-30 ppm</li> </ul>	22 SS	21.9			
<ul> <li>55-110 lbs/acre</li> </ul>	25	19.3			
ligh	02 EC	38.3	Adjust application timing.	None at this time	
all Soil Test Nitrate Range	04	40.5	3' fall soil sampling.		
<ul> <li>31-45 ppm</li> </ul>	06	40.1	Adjust application rates		
<ul> <li>111-165 lbs/acre</li> </ul>	07	39.6			
	23	32.3			
	24	38.8			
	-				
	01 B	62.3	Adjust application timing.	None at this time	Emergency applications in 2019 are the main
<ul> <li>Nissettan 05 ppm</li> </ul>	02 EB	67.5	3' fall soil sampling.		reason for the higher residual nitrate levels
<ul> <li>Molecthansis log/acri</li> </ul>	02 NWB	94.1	Reduce application rate		
· Walte manages towalter	and the second second second second	48.5			
	02 WC 03 B	56.6	Get DOE approval for		
	03 C	132.7	nutrient budgets.		
	05	143.5			
	05 08-11 B	47.7			
	21	53.4			
		50.4			
	22 CP	50.2		/	
	10				

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions Based Upon Trends	Comments
Low	23	14.3			
Fall Soil Test Nitrate Range: • Less than 15 ppm	25	8.0			
Less than 55 lbs/acre	Old Mint	5.5			
Medium	06	28.9			
Fall Soil Test Nitrate Range:	07	24.2			
<ul> <li>15-30 ppm</li> <li>55-110 lbs/acre</li> </ul>	22 55	16.6			
<ul> <li>55-110 lbs/acre</li> </ul>	24	29.0			
		2.5.0			
High	01 C	43.9			
Fall Soil Test Nitrate Range:	02 EC	41.2	The nutrient budgets will be		
• 31-45 ppm	02 SWB	33.5	adjusted downward		
<ul> <li>111-165 lbs/acre</li> </ul>	05	40.8			
	01 B	50.7			
Very High	02 EB	65.1			
Fall Soil Test Nitrate Range:	02 NWB	50.0			
More than 45 ppm	02 WC	54.7			
<ul> <li>More than 165 lbs/acre</li> </ul>	03 B	164.9	The following fields will receive limited to no		
waratre	03 C	193.3	application until the values		
	04	48.2	come down. Values are down		
	08-11 B	95.5	from 2019.		
	08-11 C	126.5			
	21	66.1			
	22 CP	62.5			

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions Based Upon Trends	Comments
Low	Field 07	11.0	None		
Fall Soll Test Nitrate Range:	Field 22 SS	5.1			
<ul> <li>Less than 15 ppm</li> <li>Less than 55 lbs/acre</li> </ul>	Field 25	5.3			
Less than 55 lbs/acre	Old Mint	12.6		1	
Medium	Field 02 EC	15.5	None	1	
Fall Soil Test Nitrate Range:	Field 05	25.3			
• 15-30 ppm	Field 06	16.9		1	
<ul> <li>55-110 lbs/acre</li> </ul>	Field 08-11 C	23.0		j,	
	Field 23	25.3		1	
High	Field 01 B	41.0	No application for 2022		
	Field 01 C	36.6	Reduced application		
<ul> <li>Fall Soil Test Nitrate Range:</li> <li>31-45 ppm</li> </ul>	Field 02 EB	33.0	No application for 2022		
<ul> <li>111-165 lbs/acre</li> </ul>	Field 02 WC	44.8	No application for 2022		
	Field 24	43.5	Reduced application		
Very High	Field 02 NWB	71.7	No application for 2022		Fields in the High to Very High risk levels continue to
Fall Soil Test Nitrate Range:	Field 02 SWB	45.5	No application for 2022		decrease as in 2019 there were 17 total fields in these
<ul> <li>45 ppm</li> </ul>	Field 03 B	106.0	No application for 2022		categories and in 2020 there were 15 and now in 2021
More than 165	Field 03 C	214.7	No application for 2022		there are 13.
lbs/acre	Field 04	56.0	No application for 2022		
	Field 08-11 B	69.8	No application for 2022		
	Field 21	54.6	No application for 2022		
	Field 22 CP	52.9	No application for 2022		

Sunnyside Dairy Field Risk Level	Field	Nitrate	Required Actions	Required Actions based	
	N. S.	at 2'		upon Trends	Comments
OW	70 ac Pivot 02 Karl's	5.3	None.	No trends have been	
<ul> <li>all Soil Test Nitrate Range</li> <li>Less than 15 ppm</li> </ul>	Airport 02	9.1		established.	
Less than 55 ibs/acre	Airport 03	4.8			
· Less than 33 (bayatre	P01	13.7	8		
	P02	12.6	2		
	P03	3.1			
	Tom 03 70 ac	5.5			
and the second second second			and the second second	Sector Law and Sector Sector	
Viedium	70 ac Pivot 01 Kari's	23.6	None.	No trends have been	
Fall Soil Test Nitrate Range	70 ac Pivot 03 Karl's	22.7	8	established.	
<ul> <li>15-30 ppm</li> <li>55-310 lbs (see 10.000)</li> </ul>	Airport 01	25.0	8		
<ul> <li>55-110 lbs/acre</li> </ul>	Case Field 01	21.1	1		
	Field 02	18.9	8		
	Field 03 CP	25.6	8		
	P05	18.0			
	Tom 01	28.4	1. A.		
	Tom 02	30.7			
figh	Field 04	38.9	Adjust application timing.	No trends have been	
all Soil Test Nitrate Range	Little Dairy E	35.7	3' fall soil sampling.	established.	
• 31-45 ppm	Little Dairy N	32.3	Document reasons for		
<ul> <li>111-165 lbs/acre</li> </ul>	P04	36.9	higher residual.		
Contraction of the State of the	Wade's 02	33.5			
	60 ac	125.8	Adjust application time	No trends been been	
	100 ac	62.7	Adjust application timing. 3' fall soil sampling.	No trends have been established.	
Australian 4) pers	Field 03 Linear	51.3	Document reasons for	Cacatoria neu.	
· Normethaleses the Allow	Field 05	66.4	higher residual.		
	Guerra	80,4	Get DOE approval for		
	Little Dairy W	62.2	nutrient budgets.		
	Orchard	65.3	1. Mar. 1995-99 (1993)		
	Rick	88.3			
	Wade's 01	48.9			
TABLE 3: Adaptive Manag Sunnyside Dairy		48.9 181.6 side Dairy	2020 Fall		
Sunnyside Dairy Field Risk Level	Wade's 01 Wade's 03 ement Actions Sunnys Field	48.9 181.6 side Dairy Nitrate at 2'	2020 Fall Required Actions	Required Actions based upon Trends	Comments
Sunnyside Dairy Field Risk Level Low	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's	48.9 181.6 side Dairy Nitrate at 2' 4	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01	48.9 181.6 side Dairy Nitrate at 2' 4 3	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's	48.9 181.6 side Dairy Nitrate at 2' 4	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate: Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01	48.9 181.6 side Dairy Nitrate at 2' 4 3	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range Less than 15 ppm Less than 55 lbs/acre Medium	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01	48.9 181.6 side Dairy Nitrate at 2' 4 3	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 22 24	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 24 16	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 24 15 17	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 03 CP Little Dairy N Little Dairy W	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 3 3 3 15	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 29.8 17 26.1 30 15 22.5	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 3 3 3 15	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 22 24 17 26.1 30 15 22.5 22	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 4 15 22 24 16 17 26.1 30 15 22.5 22 24	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W POS Tom 03 70 ac Wade's 01 Wade's 02	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 22 31 37	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 12 22 24 6 29.8 12 22 24 16 22 24 17 26.1 30 17 22.5 22 24 31 37 34	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22.5 22.5 22.5 31 37 34 15	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 12 22 24 6 29.8 12 22 24 16 22 24 17 26.1 30 17 22.5 22 24 31 37 34	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 34 31 37 34 5 20	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 15 22 24 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 24 15 22 22 22 24 24 15 22 22 22 24 24 24 24 24 24 24	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 30 15 30 15 30 15 32.5 31 37 34 15 20 0 44 35.5	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 113-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 17 26.1 30 17 26.1 30 17 26.1 30 4 35 22.5 22 24 17 26.1 30 4 35 22.5 22 24 5 22 24 17 26 13 30 15 22 22 24 15 22 22 24 17 26 13 37 34 15 28 15 28 15 26 26 26 26 26 26 26 26 26 26	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Veroy High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Alrport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 31 37 37 33 34 35.5 38	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward.		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fail Soil Test Mitrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy N Little Dairy N Little Dairy S Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 34 15 22.5 22 22 24 5 22 22 24 5 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 22 24 35 22 22 22 22 22 22 22 22 35 22 22 22 22 22 31 37 34 4 35 22 20 22 22 22 22 22 22 22 22	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Verov High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy S Tom 03 70 ac Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 03 Karl's Field 05	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 17 26.1 30 15 22.5 22 24 15 22.5 22 24 15 22.5 22 24 15 25 60 55 60 55 56 48	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward.		Comments
Sunnyside Dairy Field Risk Level Low Fall Soll Test Nitrate Range Less than 15 ppm Less than 55 lbs/acre Medium Fall Soll Test Nitrate Range 55-110 lbs/acre High Fall Soll Test Nitrate Range 31-45 ppm 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Uttle Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's Field 05 Guerra	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 37 37 37 37 37 35.5 38 60 52 52 56	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fail Soil Test Mitrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's Field 03 Linear Field 03 Corbit 03 Karl's Field 03 Corbit 03 Karl's Field 03 Tom 01 Karl's Field 03 Corbit 03 Karl's	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fail Soil Test Mitrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Uttle Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's Field 05 Guerra	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 37 37 37 37 37 35.5 38 60 52 52 56	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments

## Annual NPDES reports from Sunnyside Dairy 2019 to 2021

Sunnyside Dairy	33	102	8	22	80
Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions based upon Trends	Comments
Low	60 ac	7.9	None	63.0C 1	8
Fall Soil Test Nitrate Range	70 Pivot 01 Kari's	8.6	and the second		
<ul> <li>Less than 15 ppm</li> </ul>	100 ac	10.3			
<ul> <li>Less than 55 lbs/acre</li> </ul>	70 ac Pivot 01 Karl's	8.6			
	70 ac Pivot 02 Karl's	8.0			
	Field 01	9.0	ġ.		
	Orchard	13.4			
	Tom 01 N	11.8			
	Case's	12.3			
	Tom 03 70 ac	5.6			1
	Airport 01	3.4			
	Airport 03	7.5			
Medium	Wade's 02	15.4	None		
Fall Soil Test Nitrate Range	70 ac Pivot 03 Karl's	19.2			
<ul> <li>15-30 ppm</li> </ul>	Field 02	22.5			
<ul> <li>S5-110 lbs/acre</li> </ul>	Field 03 CP	23.7			
	Rick's	15.7			
	Tom 02 W	19.3			
	Field 05	28.5			
	Guerra	17.6	2		
	Little Dairy E	16.0			
	Little Dairy N	20.1			
	Little Dairy W	24.6			
	P 01	23.3			1
	P 02	28.2			1
	P 03	21.9			1
	P 05	21.9	\$	÷.	
High	Field 03 Linear	38.4	Reduce application	Watch Field 03 Linear	<u> </u>
Fall Soil Test Nitrate Range	Field 04	31.8		and Field 04 as two	1
<ul> <li>31-45 ppm</li> <li>111-165 lbs/acre</li> </ul>	Wade's 01	39.4		years in High or Very High	
Very High	Wade's 03	54.8	Reduce application	Watch P04 and Wade's	
More than 45 ppm	Airport 02	49.4		03 as two years in High or Very High	
<ul> <li>More than 45 ppm</li> </ul>	CHANNEL CONTROL OF	1.557.000	2	or very High	1

Attachment 2: Email from Shawn Magee at the Yakima Health District, October 20, 2021:

## Follow-Up Info for Public Records Request Email 1 of 2

Good Afternoon Ms. Mendoza,

Below is a the response to the question you asked in a follow-up email for the records request you submitted. Also, attached are the records we have for your follow-up request.

Please note that many facilities, including exempt composters, are supposed to submit a notice of intent – many have not. Also, many facilities, including exempt composters, are supposed to submit an annual report – many have not. These records are from 2010-present.

. . . . . . .

Shawn Magee, R.S.

Environmental Health Director

Yakima Health District

Office: (509) 249-6533



## Attachment 3: Soil Nitrate Reports from George DeRuyter & Son Dairy

			Web: agrint	, and the second se				Fer	tilit	Y R	epo	rt	
George DeR	uvter	& Sons	(Y281	)						97 GEN	007/40407		F13-060
Field: GDS	1000	W-3335	10.00	26	cres:	99.1		Se	mple 1	Date:	10/17/2	013	757
Crop: Tritic				333	70656)	Wheel lin		0.52	vious (	10100	2013 A	falfa	
Crop: Thuc	ale-300			11	rigation	, white a m			rrent (		1000	riticale Su	dan
Soil series:	Scool	n silt loar	n		Leach	Hazard:	.ow	1	Vo. of S	ites:	30		
Topography:		y undulat						vg Samp	1.1.1		3.0		
Restrictive laye	122.5		COLORISM ST	on the	surface.	caliche lay		- Saud			100-00		
Residue Incor	1922 - 1952		5 S.			ale-Sudan		d					
승규가 아름다 가지 않는 사람이 했다.													1001512
					cnolls and	ampling th d ridges.	G IIIIN	alic waa	GL 2.44	tan. Y	olunice	anana,	com, a
		ppm A	tobile l	Nutrien	ts (Ibs/	ac) Excl	. / S	oluble B	ases (	meq/	100g)	Other	Data
	Depth	NO ;	NO <sub>3</sub>	NH 4	SO 4	B	Ca I	Mg A	Na	T.B.	CEC	VolWt	%AW
Sample Area		220	65	7	37	1.6 16	20 3	3.90 1.04	0.30	21.44	19.2	1.25	75%
Construction of the Owner of the	1'	19										1.25	88%
Field Composite Field Composite	1' z'	24	81									92,070	
Field Composite Field Composite	1'	24 14	49			10						1.25	81%
Sample Area Field Composite Field Composite Field Composite	1' z'	24	25.10	7	37	1.6						92,070	81%
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resid	24 14 Totals: Jual nitra	49 195 tes are	moderat	42650	onium is in	equili	orium. S	ulfur is	adequ	ate, whi	1.25	
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resik ossibly	24 14 Totals: Jual nitra	49 195 tes are Sodiu	moderat m is favo	e. Ammorably lov	onium is in			ulfur is	adequ	ate, whi	1.25	
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resik ossibly	24 14 Totals: dual nitra marginal	49 195 tes are Sodiu	moderat m is favo rients ()	e. Ammorably lov	onium is in ver.		ta	ulfur is mhos/c		ate, whi	1.25 le boron	
Field Composite Field Composite Field Composite Comments: Ţ P	1' 2' 3' he resit ossibly	24 14 Totals: dual nitra marginal <b>Immob</b>	49 195 tes are Sodiu ile Nutr	moderat m is favo rients () <u>Mn</u>	e. Ammo prably lov	onium is in ver. Chemica	ni Dat	a <u>EC m</u>		m		1.25 le boron	

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

CONSULTANTS	1		Web: agrirtg	Laim			F	Fert	ilit	VR	epo	ort	
George DeF	uvter a	Son	(Y281)	)				0769.05				000500	F13-056
Field: GDS	S		. (		cres:	135.6		San	uple D	ate:	10/14/2	2013	757
Crop: Tritic		ne Corr	2	33	100.0	: Center pivot			ous C		2013 T	riticale-Sil	age com
Crop. That		90 000	8		'igunon	, ound proc		Curi	ent C	rop:	2014 T	inticale-Sil	age com
Soil series:	Ward	en silt k	am		Leach	Hazard: Low		No	o. of S	ites:	30		
Topography:	Gently	divide	d sloping				Avg S				3.0		
Restrictive lay	er? Y	Wher	e? Some	rocks,	mainly in	the NW corner		-	31.5				
ALCOH PETITE IMP													
	39.11	Type	Scatte	ared cult	tivation st	rips.							
Residue Incor Comments: §	p? N	1.1.1.1				rips. nt weed cover.	Corn	stalk s	ize wa	as non	mal. So	oil surfac	e was
Residue Incor Comments: §	p? N Sampled	a three	foot field	compo		nt weed cover.							
Residue Incor, Comments: 5	p? N Sampled	a three	foot field	compo	site. Ligi	t weed cover.					100g)		Data
Residue Incor, Comments: 5	p? N Sampled Iry.	a three	foot field Mobile N	compo Iutrien	site. Ligi ts (Ibs/a <u>SO 4</u>	nt weed cover.	Solub	ole Ba	ses (I	meq/	100g)	Other VolWt	Data %AW
Residue Incor Comments: 5 Sample Area	p? N Sampled Iry.	a three	foot field Mobile N	compo lutrien <u>NH 4</u>	site. Ligi ts (Ibs/a <u>SO 4</u>	t weed cover.	Solub <u>Mg</u>	le Ba	ses (I	meq/ T.B.	100g) CEC	Other VolWt	Data %AW 90% 85%

Comments: The residual nitrates are excessive. Ammonium is in equilibrium. Sulfur and boron are very high. Sodium is slightly to moderately elevated.

		Imn	nobile	Nuti	rients	(ppi	m)	Chemica	I Data			
Sample Area	Depth	P	ward K	Zn	Mn	Fe	Си	О.М.	pН	EC mmhos/cm	Eff/Calc.	
Field Composite	1'	398	2650	13.5	2.9	31	2.8	3.3%	7.8	2.34	Yes	

1774

7

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

Contraction of the second of the second	<b>_</b>		Web: agring	gloom				Fer	tilit	y R	epo	ort	
George DeF	Ruyter &	& Sons	(Y281	)									F13-054
Field: GDS	S-SU-07		10000 - 10090 C.C		cres:	76.6		Sa	nple D	ate:	10/9/2	013	757
Crop: Alfal	fa			1	rrigation	Center p	ivot	Prev	ious C rent C	rop:	2013 / 2014 /	13103	
Soil series:	Ward	en silt lo	am		Leach	Hazard:	Low	N	o. of S.	ites:	30		
Topography:	Gently	undula	ting.		23233933		A	g Sampl			2.6		
Restrictive lay	10		50T0 - 55	s in scat	tered site	s.			184				
Residue Incor	10 1993												
- D1										2 22	1.00		181
Comments: §	Sampled	a three	foot field	d compo	site. Har	vested rec	ently.	Alfalfa at	2-3" tai	l with	a 50%	canopy	overall.
Comments: §	Sampled				ts (Ibs/a		<u> </u>	Alfalfa at Muble Ba					
	Sampled Depth	1			ts (lbs/a	ec) Exc	h. / So				100g)		Data
Sample Area	2014000 12 12 22	ppm	fobile l	Vutrien	ts (lbs/a	B	h./So Ca M	luble Ba	ises (r	neq/	100g)	Other VolWt	Data %AW 78%
Sample Area Field Composite	Depth 1' 2'	ppm M NQ 3	NO 3	Vutrien	ts (lbs/4 <u>SO 4</u>	B	h./So Ca M	oluble Ba Ag K	nses (n Na	neq/ T.B.	100g) CEC	Other VolWt	Data %AW 5 78% 5 82%
Comments: § Sample Area Field Composite Field Composite Field Composite	Depth 1'	ppm <u>NO</u> 3 31	<b>NO</b> 3 104	Vutrien	ts (lbs/4 <u>SO 4</u>	B	h./So Ca M	oluble Ba Ag K	nses (n Na	neq/ T.B.	100g) CEC	Other VolWt	Data %AW 5 78% 5 82%
Sample Area Field Composite Field Composite Field Composite	Depth 1' 2' 3'	ppm NO 3 31 74 76 Totals: nitrates	10bile 1 <u>NO 3</u> 104 252 257 613	Nutrien <u>NH</u> 5	ts (lbs/4 <u>SO 4</u> 286 286	$\frac{B}{5.1} = \frac{1}{18}$	h. / So Ca <u>N</u> 190 4	duble Ba Mg <u>K</u> 00 1.94	nses (n <u>Na</u> 0.72	neq/ T.B. 26.56	100g) <u>CEC</u> 16.1	Other VolWt 1.2 1.2 1.2	Data %AW 5 78% 5 82% 5 74%
Sample Area Field Composite Field Composite Field Composite Comments: F	Depth 1' 2' 3' Residual lightly el	ppm NO 3 31 74 76 Totals: nitrates	100 10 10 <u>NO 3</u> 104 252 257 613 are high	Nutrien <u>NH 4</u> 5 5	ts (Ibs/4 <u>SO</u> 286 286 onium is i	B 5.1 5.1 5.1	h. / So <u>Ca</u> <u>N</u> 190 4	luble Ba	nses (n <u>Na</u> 0.72	neq/ T.B. 26.56	100g) <u>CEC</u> 16.1	Other VolWt 1.2 1.2 1.2	Data %AW 5 78% 5 82% 5 74%
Sample Area Field Composite Field Composite Field Composite	Depth 1' 2' 3' Residual lightly el	ppm NO 3 31 74 76 Totals: nitrates evated.	1000 100 100 100 100 100 100 100 100 10	Nutrien <u>NH 4</u> 5 1. Amm rients (	ts (Ibs/4 <u>SO</u> 286 286 onium is i	<b>B</b> 5.1 19 5.1 n equilibriu	h. / So <u>Ca</u> <u>N</u> 190 4	luble Ba	nses (n <u>Na</u> 0.72	neq/ <u>T.B.</u> 26.56	100g) <u>CEC</u> 16.1	Other	Data %AW 5 78% 5 82% 5 74%

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

	1	Immo	bile Nuti	rients (	(ppm)	Chemic	al Dat	a					
		124 - E	5			an a		5 				-	
	Residual elevated		s are high	n. Amm	ionium is	in equilibri	um. Su	ilfur and b	oron a	ire higi	h. Sod	ium is s	lightly
		Totals:	786	5	384	6.2							
Field Composite	3'	102	348			111223						1.28	5 70%
Field Composite	2'	82	277									1.25	5 75%
Field Composite	1'	47	161	5	384	6.2 1	7.00 4	.30 3.38	0.70	25.38	17.4	1.2	65%
Sample Area	Depth	NO;	NO,	NH 4	SO .	B	Ca M	lg K	Na	T.B.	CEC	VolWt	%AW
		ppm	Mobile I	Vutrien	ts (lbs/	ac) Exc	h. / Sc	luble Ba	ses (I	neq/:	100g)	Other	Data
						the surface		anaoo ary	ocan		ginteri	inouci al	o nood.
	1.11		3			st harvest.		uface dru	Scatt	ered li	abt to r	noderat	e weed
Residue Inco.	1000					ks and we		2					
Restrictive la	1. 1949.20	200 C 100 C 100 C	0003	ered mo	derately	compacted				115 U.S. 10.			
Topography:	Gentl	v undul	ating		1222201	12200586230	A	vg Sampl	60.00 CC		2.7		
Soil series:	Ward	en silt	loam		Leach	Hazard:	Low	N	o. of S	ites:	32		
2540102625								Cur	rent C	rop:	2014 T	riticale-Si	lage com
Crop: Triti	icale-Sila	ge Con	n	1	rrigation	: Center ;	pivot	Prev	ious C	rop:	2013 T	riticale-Si	lage corn
Field: GD	S-SU-06			1	Acres:	84.5		Sa	nple D	ate:	10/16/2	2013	79401 
George Del		& Son	s (Y281	)									F13-05
								101		,	cpu		
	_		Wab: agrim	gtoom				For	+III+	VP	eno	rt	
			Wab: agrin	gtoom				Fer	tilit	VR	epo	rt	

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soll Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

	<u>4</u> :		Web: agring	Fax: (509) ( Loom					Fert	ilit	y R	epo	rt	
George DeR	uvter á	Sons	(Y281	e.					2 534					F13-060
Fleid: GDS			·		cres:	16	5.5		Sar	nple D	ate	10/17/2	013	757
		l Anazan							2.538	ious C				age com
Crop: Tritic	ale-Sila	ge Com		Б	rigation	I: Ce	nter pivo			rent C			iticale-Sil	12
Soil series:	Ward	en silt loa	am		Leach	Haz	ard: Low		N	o. of S	ites:	30		
Topography:	Gentl	e undulat	tion, sou	th slope					Sampli			2.6		
Restrictive lay			? Hard			bout 2	24"		Campa			0000		
Residue Incor	122 122		Corn		0.0202424		100							
						2724	<u></u>		12332230	0.0320	4078		2122388	7:20405
		ed throug	ghout th	e field.	Some si	mut b	liks were odies on	the re	maining	stalk	s. Salt	s on the	e soil su	irface.
		ppm M	lobile N	lutrien	ts (ibs/	ac)	Exch.	Solu	uble Ba	ses (I	meq/:	100g)	Other	Data
Sample Area	Depth	NO,	NO 3	NH .	SO .	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW
Field Composite	1'	161	549	4	755	9.2	17.10	5.00	7.63	1.27	31.00	17.6	1.25	77%
Field Composite	2	161	546										1.25	
Field Composite	3	139	472										1.25	74%
		Totals:	1567	4	755	9.2								
Commenter 7		aly elevat		lign. Ar	nmoniur	n is ir	n equilibri				onare	nign. c		
0.		Immobi	le Nutr	ients (	ppm)	Ch	emical	Data						
, i		Immobi P <sup>P(wa)</sup> I	lle Nutr K Zn	1000	ppm) Fe Cu	Ch		Data oH	EC mm	hos/c	m 1	Eff/Calc		
		<u></u>	K Zn	Mn I		Ch		1000	EC mm			Eff/Calc /es	2	
Sample Area Field Composite Comments:	Depth 1'	P <sup>P(wod)</sup> 1 243 297	K Zn 6 13.7 Zn are	Mn 22	Fe <u>Cu</u> 25 4.0 h. Mn is	s low,	0.M. 3.4% while Fe	<b>pH</b> 7.7	1.5	33	- ī	/es	55 0.0004	high. S
Sample Area Field Composite Comments:	Depth 1' The soil I oH is alk	P <sup>P(word)</sup> 1 243 297 P, K, and	K Zn 6 13.7 Zn are 1 salts ar	Mn 22	Fe <u>Cu</u> 25 4.0 h. Mn is	s low,	0.M. 3.4% while Fe	<b>pH</b> 7.7	1.5	33	- ī	/es	55 0.0004	high. S
Sample Area Field Composite Comments:	Depth 1' The soil I oH is alk	P <sup>P(wod)</sup> 1 243 297 P, K, and aline and	K Zn 6 13.7 IZn are I salts ar	Mn 22	Fe Cu 25 4.0 h. Mn is rately ele	s low, evate	0.M. 3.4% while Fe	p <u>H</u> 7.7 and (	1. Cu are s	33 ufficie	- ī	/es	55 93923	high. S

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

	1		Web: agring	toon					-			10000	100	
									-ert	int	y R	epo	nrt.	
George DeR	uyter a	& Sons	(Y281	)										F13-053
Field: GDS	-SU-05			A	cres:	1	00.6		San	aple D	ate:	10/9/20	13	757
Crop: Tritic	ale-Sila	ge Corn		I	rigatio	n: C	enter pivot		Previ	ous C	rop:	2013 T	rtticale-Sil	lage Com
	8						12		Curi	rent C	rop:	2014 T	riticale-Sil	lage Com
Soil series:	Ward	en silt lo	am		Leac	h Ha	zard: Low		No	o. of S	ites:	30		
Topography:	Gently	y to mod	ierately u	Indulatin	ıg.			Avg S	Sampli	81.7726		2.4		
Restrictive lay	er? Y	Wher	? Rocks	through	nout at a	scatt	ered sites.							
Residue Incor	p? N	Type?	Light	stalks, p	artly dis	ked	in early fall.							
Comments: S	ampled	a three	foot field	compo	site. Th	iere h	had been m	odera	te to h	eavy v	veeds	in this f	ield.	
	14111201414	ppm 1	Mobile N	lutrien	ts (Ibs,	/ac)	Exch. /	Solut	)e Ba	ses (I	meq/	100g)	Other	Data
Sample Area	Depth	NO 3	NO 3	NH 4	SO .	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW
Field Composite	1'	263	894	4	972	12.3	17.10	5.10	7.62	1.45	31.27	17.4	1.25	74%
Fleid Composite	2'	254	864										1.25	10 1000
		1000	894										1.25	81%
Fleid Composite	3.	263 Totals:	2652		972	12.3								

Comments: Residual nitrates are excessive. Ammonium is in equilibrium. Sulfur and boron are very high. Sodium is moderately elevated.

		Imm	nobile	Nuti	ients	(ppi	m)	Chemica	I Data	1	
Sample Area	Depth	P*	**** <b>K</b>	Zn	Mn	Fe	Cu	O.M.	pH	EC mmhos/cm	Eff/Calc.
Field Composite	1'	529	2970	12.8	2.1	17.1	2.6	1.6%	7.7	3.56	Yes

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

CONSULTANTS		Yakima, WA 98	Web agrim	Pas: (509) 5 gLoom		State of	11110	F	ert	ilit	y R	ep	ort	
George DeR	uyter 8	Sons	(Y281	)							52	223		F13-0561
Field: GDS	1.5 0 0 0 0 0		A.W.200 (1999)		cres:	34.6			San	nple L	ate:	10/14	/2013	7577
Crop: Tritic	ale-Silar	e Com		h	rigation:	Center	Pivo	2		ous C		2013	Alfalfa	
crop.		8							Cur	rent C	rop:	2014	Triticale-S	ilage Com
Soil series:	Warde	en silt loa	m		Leach I	Hazard:	Low	li.	N	o. of S	ites:	30		
Copography:	Split b	y swale,	gently a	undulatin	1g			Avg S	ampli	ng De	pth:	2.9		
Restrictive laye	7? Y	Where	? Some	rocks a	nd hard p	an.								
Residue Incorp	? N	Type?	Light	to mode	rate crown	ns.								
al	falfa was	s at 1-3"	tall. Th	ne soil su	site. The urface was /ith grassy	s dry. W	/eeds	pling de were r	epth w minima	as at al, son	34". At ne dan	the ti delior	me of sa 1. The so	mpling th oil was ve
u					- /11- /-	-1	ch /	Saluh	le Ra	ene la	ment	1000	) Other	Data
G		ppm M	obile l	Vutrien	cs (IDS/a	C) EX	cn. /	30100	No De	ses (	meq/	Loog,	/ Jourier	Dute
Sample Area	Depth	ppm M	NO 3	NH 4	Construction of the	B	Ca	Mg	K	Na	T.B.		C VolWt	

Comments: Residual nitrates are moderate to high. Ammonium is at equilibrium. Sulfur and boron are plenty high. Sodium is only slightly elevated.

4.3

2'

3'

Field Composite

Field Composite

28

27

Totals:

96

92

272

3

160

		Immo	bile	Nutr	ients	(ppr	n)	Chemica	l Data	,	
Sample Area	Depth	P Piece	K	Zn	Mn	Fe	Cu	O.M.	pH	EC mmhos/cm	Eff/Calc.
Field Composite	1'	150	800	8.5	2.5	26	2.0	2.4%	7.5	1.05	Yes
Comments: T	he soil	PKa	nd Z	n are	plenty	hiah	Mn	is low, while	Fear	nd Cu are adequate.	Organic matter is

Comments: The soil P, K, and Zn are plenty high. Mn is low, while Fe and Cu are adequate. Organic matter is above average. The soil pH is moderately alkaline, while salts are slightly elevated.

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

1.25

1.25 50%

40%

	-1		Web: agring	p.com				H	ert	ilit	y R	epo	ort	
George DeF	Ruyter &	& Sons	(Y281	)										F13-056
Field: GDS	S-SU-10			A	cres:	38.5			San	nple L	Date:	10/15/	2013	757
Crop: Alfal	fa			7	rigation.	- Cent	er nivot		Previ	ious C	rop:	2013	Triticale-S	lage com
Crop: And					rigation	, ocin	or priver			rent C		2014	Alfalfa	
Soil series:	Ward	en silt lo	am		Leach	Hazar	d: Low		N	o. of S	ites:	25		
Topography:	Gentle	y undula	ating			e-0.087986		Avg S		2 . T		3.0		
Restrictive lay	er? Y	When	e? Scatte	ared con	npacted z	ones a	at 26-36							
				576 ANO 181	rate resid			,	10.000					
Residue Incor	889	Type?		to mode	Ture reere									
Comments: 5		a three	foot field	l compo	eita Poe	t hanve	et Vor	v light	eratte	neri ea	its on	the su	face	iaht to
		weeds	. Genera	ally good	site. Pos I stalk dia ts (Ibs/a	meter.				2_1122			-	
r	noderate	weeds	. Genera Mobile I	ally good N <i>utrien</i>	i stalk dia <b>ts (Ibs/a</b>	imeter. ac)	•			2_1122		100g)	-	Data
r Sample Area		weeds	. Genera	ally good	i stalk dia <b>ts (Ibs/a</b>	meter.	Exch. /			ses (I	meq/	100g)	Other	Data %AW
r <i>Sample Area</i> Field Composite	noderate	ppm <u>NO</u> ,	. Genera Mobile I NO 3	NH 4	ts (Ibs/a	ameter. ac) B	Exch. /	Solut Mg	le Ba K	ses (I	meq/. <u>T.B.</u>	100g)	Other VolWt	Data %AW 5 75%
r Sample Area Field Composite Field Composite	noderate	ppm NO 49	. Generation Generation Mobile I	NH 4	ts (Ibs/a	ameter. ac) B	Exch. /	Solut Mg	le Ba K	ses (I	meq/. <u>T.B.</u>	100g)	Other C VolWt 1.2	Data %AW 5 75% 5 74%
r Sample Area Field Composite Field Composite	noderate	weeds <i>ppm</i> <u>NO</u> 49 38	. Genera Mobile / NO ; 167 128	NH 4	ts (Ibs/a	ameter. ac) B	Exch. /	Solut Mg	le Ba K	ses (I	meq/. <u>T.B.</u>	100g)	Other C VolWt 1.2 1.2	Data %AW 5 75% 5 74%
Field Composite Field Composite Field Composite Field Composite	noderate <u>Depth</u> 1 <sup>1</sup> 2 3 <sup>1</sup> 3 <sup>1</sup>	ppm NO 49 38 22 Totals:	. General Mobile / NO 3 167 128 74 369	Ally good Nutrien NH 4 2 2 high. Ar	stalk dia ts (Ibs/a <u>SO 4</u> 153	2.2	Exch. / <u>Ca</u> 19.80	Solut <u>Mg</u> 3.00	nie Ba <u>K</u> 1.85	ses (1 <u>Na</u> 0.69	<b>T.B.</b> 25.34	100g) <u>CE</u> C	Other 1.2 1.2 1.2	<b>Data</b> <b>%AW</b> 5 75% 5 74% 5 72%
Field Composite Field Composite Field Composite Field Composite	noderate	ppm <u>NO</u> 38 22 Totals: Jual nitra s slighth	. General Mobile I <u>NO 3</u> 167 128 74 369 ates are	Ally good Nutrien NH 4 2 2 high. Ar	d stalk dia <i>ts (Ibs/a</i> <u>SO 4</u> 153 153 nmonium	B 2.2 i is in e	Exch. / <u>Ca</u> 19.80	Solut <u>Mg</u> 3.00	nie Ba <u>K</u> 1.85	ses (1 <u>Na</u> 0.69	<b>T.B.</b> 25.34	100g) <u>CE</u> C	Other 1.2 1.2 1.2	Data %AW 5 75% 5 74% 5 72%
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Comments: The soil P, K, and Zn are plenty high. Mn and Fe are low, while Cu is sufficient. Organic matter is above average. Soil pH is moderately alkaline, while salts are favorably lower.

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

CONSULTANTS	_		Web, agrins	gLoom					Fer	tilit	y R	epo	ort	
George Def	Ruyter	& Sons	(Y281	)										F13-05
Field: GDS	S-SU-11			a	Acres		8.1		Sa	mple 1	Date:	10/16/2	2013	75
Crop: Alfa	lfa				Irriga	tion:	Wheel lin	e		ious C rent C	1000	2013 1 2014 /	friticale-Si Vifalfa	udan gras
Soil series:	Ward	en silt lo	am		L	each	Hazard: L	WO.		o. of S	Sites:	18		
Topography:					970	000505			g Samp	Sec. 40		2.7		
Restrictive lay	er? Y	Whee	2 Scatt	ered an	eas of	fmod	derately to					97483 m	0-36" ra	nae
Residue Incor	- 20 - 21 - E	54 54	57263239	Sudan			ionatory to	- grinte	and out	- Carte				
		1000					t harvest.	Alfalfa	planted.	Scatte	ered ar	eas of	light salt	s on th
Comments:		a three		d comp	osite.	Post			planted. Juble B		-0.2555		-785.000	
Comments: ;	Sampled	a three	foot fiek	d comp Nutrie	osite. nts (l	Post	ic) Exch	. / So	Marca (1997)		-0.2555	100g)	-785.000	Data
Comments: ( Sample Area	Sampled surface.	a three	foot fiek <i>Hobile i</i>	d comp	osite. nts (l	Post	nc) Exch	. / So Ca _ M	luble B	ises (	meq/	100g)	Other	Data %AW
Comments: s	Sampled surface.	a three	foot field	d comp Nutrie <u>NH 4</u>	osite. nts (/ SC	Post	nc) Exch B (	. / So Ca _ M	luble B Ig K	ses ( Na	meq/ T.B.	100g)	Other VolWt	Data %AW 70%
Comments:	Sampled surface. <u>Depth</u>	a three	foot field Mobile I <u>NO 3</u> 132	d comp Nutrie <u>NH 4</u>	osite. nts (/ SC	Post	nc) Exch B (	. / So Ca _ M	luble B Ig K	ses ( Na	meq/ T.B.	100g)	Other VolWt	Data %AW 70% 5 75%
Comments:	Sampled surface. <u>Depth</u> 1' 2'	a three ppm 7 <u>NO</u> ; 39 38	foot field <b>NO 3</b> 132 129	d comp Nutrie <u>NH 4</u>	osite. nts (/ SC	Post Ibs/a	nc) Exch B (	. / So Ca _ M	luble B Ig K	ses ( Na	meq/ T.B.	100g)	Other VolWt 1.20	Data %AW 70% 5 75%
Comments:	Sampled surface. <u>Depth</u> 1' 2' 3' Residual slightly el	a three ppm 7 NO , 39 38 31 Totals: nitrates evated.	foot field <b>NO 3</b> 132 129 104 365 are high	d comp Nutrie <u>NH 4</u> 9 8 n. Amn	osite. nts (/ SO 110 110 110	Post 1 <b>bs/a</b> 0 4 6 m is in	nc) Exch <u>B</u> ( 3.6 (17) 3.6 n equilibriu	n. / So Ca <u>M</u> 80 4. m. Su	<i>luble B.</i> 1 <u>g</u> <u>K</u> 2.32 Ifur and I	ases ( <u>Na</u> 0.54	meq/ <u>T.B.</u> 24.66	100g) <u>CEC</u>	Other VolWt 1.20 1.20	Data %AW 5 70% 5 75% 5 80%
Comments:	Sampled surface. <u>Depth</u> 1' 2' 3' Residual slightly e	a three ppm / <u>NO</u> , 39 38 31 Totals: nitrates evated. Immob	foot field <b>NO 3</b> 132 129 104 365 are high <i>ile Nut</i> o	d comp Nutrien <u>NH 4</u> 9 8 n. Amn <i>rients</i>	osite. nts (/ SC 110 110 110 (ppm	Post 1bs/a 0 4 6 m is in 1)	B     C       3.6     17.       3.6     Chemica	n. / So Ca <u>M</u> 80 4. m. Su n/ Data	<i>luble B.</i> <i>1g <u>K</u> 00 2.32 Ifur and I</i>	ases ( <u>Na</u> 0.54	<b><i>T.B.</i></b> 24.68	100g) <u>CEC</u> nty higi	Other 128 128 128	Data %AW 5 70% 5 75% 5 80%
Comments:	Sampled surface. <u>Depth</u> 1' 2' 3' Residual slightly el	a three ppm <u>NO</u> , 39 38 31 Totals: nitrates evated.	foot field Mobile 1 132 129 104 365 are high ile Nuto K Zn	d comp Nutrie <u>NH 4</u> 9 8 n. Amn	osite. nts (/ SC 110 110 110 (ppm	Post 1 <b>bs/a</b> 0 4 6 m is in	nc) Exch <u>B</u> ( 3.6 (17) 3.6 n equilibriu	n. / So Ca <u>M</u> 80 4. m. Su	<i>luble B.</i> <i>1g <u>K</u> 00 2.32 Ifur and I <i>EC mu</i></i>	ases ( <u>Na</u> 0.54	meq/ <u>T.B.</u> 24.66 are ple	100g) <u>CEC</u>	Other 128 128 128	Data %AW 5 70% 5 75% 5 80%

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

AGRICULTURAL GONSULTANTS			Web: agrim	yt.com					Fert	liit	VP	enc	ort	
									ren		<b>y</b> n	epu		
George DeR	Ruyter a	& Son	s (Y281	)										F13-05
Field: GDS	S-SU-12			1	Acres:	40	5		San	nple L	Date:	10/7/20	013	10
Crop: Tritic	cale-Sila	ae Con	n	1	rrigatio	on: Ril	ř.		Prev	ious C	rop:	2013 T	riticale-Sil	age com
crop.									Cur	rent C	rop:	2014 T	riticale-SII	age com
Soil series:	Ward	en silt l	oam		Lea	ch Haz	ard: Lo	W	N	o. of S	ites:	25		
Topography:	Very	entie t	o gentie s	S-SW s	lope			AV	sampli	ing De	pth:	2.8		
Restrictive lay	er? Y	Whe	e? Com	acted s	soil and	rocks i	n scatte	100000	AUG23 - 604					
Residue Incor		Type	? Light	stalks.										
Commantes C	Same In d	a three	foot field			Stalk dia	meter i	s gene	erally oka	y. So	me sn	nall wee	ed patche	85.
			in the We	st Half.										
				1012		s/ac)	Exch.	/ Sol	uble Ba	ses (	meq/	100g)	Other	Data
c		lanted	in the We	1012	nts (Ibs		Exch. Ci			ses ( Na	meq/ T.B.		Other VolWt	
C Sample Area Field Composite	Depth	ppm	in the We Mobile I NO 3 570	Nutrier	nts (Ibs			a M	g K				VolWt 1.25	%AW 80%
C Sample Area Field Composite Field Composite	Depth	ppm <u>NO</u> 3 168 125	in the We Mobile I <u>NO 3</u> 570 426	Nutrier NH 4	so ,	B	G	a M	g K	Na	T.B.	CEC	VolW1 1.25 1.25	%AW 80% 88%
C Sample Area Field Composite Field Composite	Depth	lanted ppm <u>NO</u> 3 168	in the We Mobile I NO 3 570	Nutrier NH 4	so ,	B	G	a M	g K	Na	T.B.	CEC	VolWt 1.25	%AW 80% 88%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth Depth 1' 2' 3'	Inted	in the We Mobile I <u>NO 3</u> 570 426 322	Nutrier <u>NH 4</u> 9 8 high. A	670	<u>B</u> 3.0	<u>C</u> 21.3	a <u>M</u> 0 43	<b>g K</b> 1.73	Na 0.59	<i>T.B.</i> 27.82	CEC 16.1	VolWt 1.25 1.25 1.25	%AW 80% 88% 95%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth 2 3' The resic Sodium i	Inted	in the We <b>Mobile 1</b> <u>NO 3</u> 570 426 322 1318 rates are	Nutrier <u>NH 4</u> 9 8 high. A avated.	nts ( <i>Ibs</i> <u>SO 4</u> 670 670	<u>B</u> 3.0 3.0 um is ir	<u>C</u> 21.3	a <u>M</u> 0 43	<u>g</u> <u>K</u> 1.73 Sulfur is	Na 0.59	<i>T.B.</i> 27.82	CEC 16.1	VolWt 1.25 1.25 1.25	%AW 80% 88% 95%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth 1' 2' 3' The resid Sodium i	Inted	In the We Mobile I NO 3 570 426 322 1318 rates are slightly ele	Nutrier <u>NH 4</u> 9 8 high. A avated.	nts ( <i>Ibs</i> <u>SO 4</u> 670 670	3.0 3.0 Um is ir	21.3	a <u>M</u> 0 43	<u>g</u> <u>K</u> 1.73 Sulfur is	<u>Na</u> 0.59	<u>T.B.</u> 27.82	CEC 16.1	VolWt 125 125 1.25 s sufficie	%AW 80% 88% 95%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth 1' 2' 3' The resk Sodium i	International In	in the We Mobile I 570 426 322 1318 ates are slightly ele	Nutrien <u>NH d</u> 9 8 high. A svated.	nts (Ibs 50 4 670 670 (ppm) Fe C	3.0 3.0 Um is ir	Cl 21.3 n equilib	a <u>M</u> 0 43 rium.	<u>g</u> <u>K</u> 20 1.73 Sulfur is <u>EC mn</u>	<u>Na</u> 0.59	<b><i>T.B.</i></b> 27.82 while t	CEC 16.1	VolWt 125 125 1.25 s sufficie	%AW 80% 88% 95%

Comments: Given the scattered soil compaction, it is recommended that you could do some ripping. Ripping is best done when the soil profile is slightly moist (as post harvest in the fall).

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

#### Attachment 4:

#### WSDA Public Records Request January 2022



WA Department of Agriculture Public Records Request about a month ago R002625-110621 I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges." Status : No Records Exist

🛔 Mrs. Jean Mendoza

#### Dear Mrs. Jean Mendoza.

The Washington State Department of Agriculture received a public records request from you on November 06, 2021. Your request mentioned:

#### "Dear Public Records Officer:

Pursuant to the WA State Public Records Act RCW §§ 42.56.001 to 42.56.904. I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges."

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. If WSDA contends that any responsive material is exempt from disclosure, please provide a redaction log containing a description of each redaction or document withheld, the statutory basis for each redaction or withholding, and an explanation sufficient for us to ascertain the applicability of each claimed exemption (e.g. a summary of the document's contents, the date of its creation, the parties who participated in drafting it, the parties to whom it was disseminated, etc.). RCW § 42.56.210(3): WAC 44-14-04004(4)(b)(ii): PAWS v. Univ. of Wash., 125 Wn.2d 243, 270-71 (1994).

If the cost would be greater than \$50.00, please notify me. Please provide a receipt indicating the charges for each document.

As provided by the open records law, I will expect your response within five (5) business days of the date of this request. RCW § 42.56.520.

Thank you for your assistance."

We have searched the department's records and found no records which respond to your request.

This completes my response. I have closed this request,

If you have any questions, please feel free to contact me at 360-902-1935.

Sincerely,

Pamela Potwin Public Records Officer 360-902-1935

#### WA Ecology Public Records Request January 2022

#### P008198-110621

Dear Public Records Officer: Pursuant to the WA State Public Records Act RCW §§ 42.56.001 to 42.56.904, I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used

singularly or in combination, prevent or reduce pollutant discharges." If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. If Ecology contends that any responsive material is exempt from disclosure, please provide a redaction log containing a description of each redaction or document withheld, the statutory basis for each redaction or withholding, and an explanation sufficient for us to ascertain the applicability of each claimed exemption (e.g. a summary of the document's contents, the date of its creation, the parties who participated in drafting it, the parties to whom it was disseminated, etc.). RCW § 42.56.210(3); WAC 44-14-04004(4)(b)(ii); PAWS v. Univ. of Wash., 125 Wn.2d 243, 270-71 (1994). If the cost would be greater than \$50.00, please notify me. Please provide a receipt indicating the charges for each document. As provided by the open records law, I will expect your response within five (5) business days of the date of this request. RCW § 42.56.520. Thank you for your assistance.

Status : No Responsive Records



Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

# Appendix A. Expert Contributors to Scenario Development

NTI convened a diverse group of experts in December 2020 to advise on the tabletop exercise scenario. These experts participated as individuals-not as representatives of their respective organizations-and they do not necessarily endorse the recommendations in this report.

Dr. Hillary Carter

Senior Advisor in the Countering Weapons of Mass Destruction Office Department of Homeland Security

Dr. Sarah Carter

Principal Science Policy Consulting, LLC Jeremy Konyndyk

Executive Director of the COVID-19 Task Force and Senior Advisor United States Agency for International Development (USAID)

Amb. (ret.) Bob Mikulak Expert Advisor on Chemical and Biological Weapons Issues U.S. Department of State

Dr. Bradley Dickerson Senior Manager, Global Chemical and Biological Security Sandia National Laboratories

Dr. Diane DiEuliis Senior Fellow National Defense University

**Dr. James Diggans** Director, Data Science and Biosecurity Twist Biosciences

Dr. Jessica Dymond Assistant Program Area Manager, Health Protection and Assurance, National Health John Hopkins Applied Physics Laboratory

Dr. Dylan George Vice President Ginkgo Bioworks Former Vice President, Technical Staff In-Q-Tel

Dr. John Glass Professor and Leader, JCVI Synthetic Biology Group J. Craig Venter Institute

Amanda Glassman Executive Vice President and Senior Fellow Center for Global Development

Dr. William Hanage Associate Professor of Epidemiology Harvard T.H. Chan School of Public Health

Dr. Lawrence Kerr Director, Office of Pandemic and Emerging Threats Department of Health and Human Services

**Ryan Morhard** Director, Policy and Partnerships, Concentric **Ginkgo Bioworks** 

Dr. Jennifer Nuzzo Senior Scholar and Visiting Faculty, Center for Health Security John Hopkins Bloomberg School of Public Health

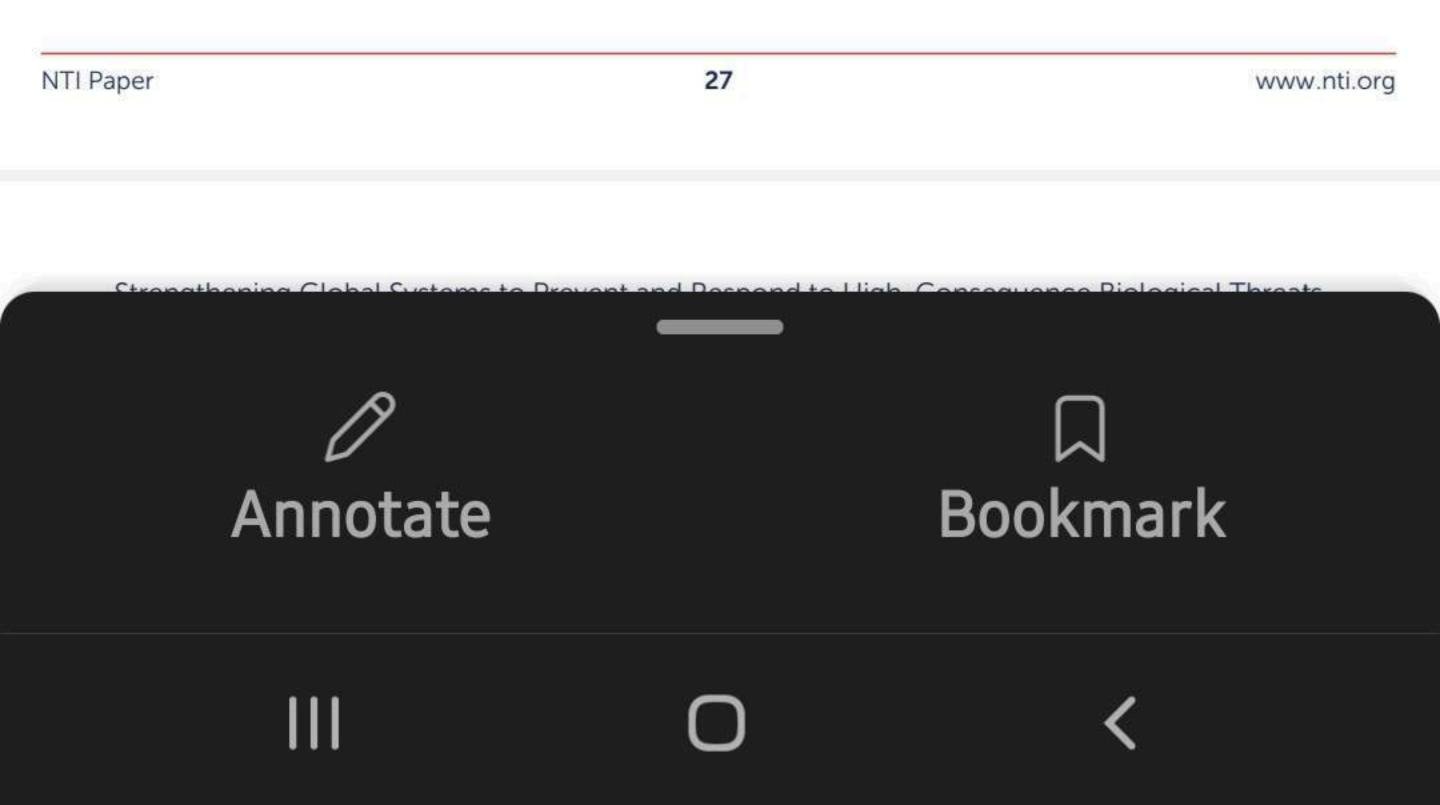
Dr. Megan Palmer Executive Director of Bio Policy & Leadership Initiatives, Department of Bioengineering Stanford University

Chris Park Senior Advisor, International Security and Nonproliferation Office of the Under Secretary for Arms Control and International Security U.S. Department of State

**Carolyn Reynolds** Co-Founder Pandemic Action Network

**Deborah Rosenblum** Executive Vice President Nuclear Threat Initiative

**Jonas Sandbrink Biosecurity Researcher** Future of Humanity Institute







#### Washington State Legislature

May 2, 2022

#### **ELECTRONIC DELIVERY**

Washington State Board of Health P.O. Box 47990 Olympia, WA 98504-7990

Dear Board Members:

We want to thank Board Chair Keith Grellner and Board of Health staff for taking time to discuss the proposed rulemaking for Washington Administrative Code (WAC) 246-203-130, Keeping of Animals, with legislators. However, we maintain this rule change is unnecessary and as written, will exacerbate the current issues it is trying to resolve. We are respectfully requesting the board pause the rulemaking and conduct a process that brings stakeholders and impacted individuals to the table to find real solutions that will work for everyone.

In the meeting, it was presented to us that the proposed rule would add clarity to the current statute to better resolve complaints over animal waste management. However, no examples were provided that demonstrate how the current WAC language impedes resolution. It is our understanding local boards of health utilize local ordinances or other statutes to make rulings on these types of cases when they arise. In fact, Kitsap County created their own rule to address the unique situations in their district. We have not heard of any instances where local boards were unable to find resolution using existing language making this feel more like a solution looking for a problem.

If this rule is intended to add clarity, then it still misses the mark. Impacted stakeholders are concerned this rule will create more confusion citing a lack of understanding around which entities are impacted. The rule is silent on if these organizations are commercial or private, urban, or rural, and are affected regardless of their size.

Additionally, the rule misses key health factors by not discerning different health impacts of the various types of animal waste. Carnivores' waste poses a much greater health risk than herbivores. This is not considered in the current rule proposal. Instead, this appears to be a statewide, one-size-fits-all approach that would not address those differences and creates unnecessary burdens that would not provide additional health benefits.

Compounding matters is the lack of survey responses to the small business economic impact statement. A response rate of four percent does not adequately capture the true impact of this rule. Without more responses, we do not have a clear picture of totality of the rule's consequences. It would set a dangerous precedent to move forward without additional insight and input.

It is for these reasons we are requesting a more comprehensive and detailed stakeholder process to ensure common ground is identified and solutions are clear and provide the most benefit for Washingtonians. Without these voices, there will be unintended consequences. As state Representatives, we represent the people of Washington and are ready to bring those voices to you to help achieve this goal.

Sincerely,

10m / Kn

Representative Tom Dent 13<sup>th</sup> Legislative District

Jac Shuik

Representative Joe Schmick 9<sup>th</sup> Legislative District

KeithW. Gozhazk

Representative Keith Goehner 12<sup>th</sup> Legislative District

Representative Mark Klicker 16<sup>th</sup> Legislative District

tras

Representative Rob Chase 4<sup>th</sup> Legislative District

Representative Larry Hoff 18<sup>th</sup> Legislative District

anolyn Tslice

Representative Carolyn Eslick 39<sup>th</sup> Legislative District

Chandler

Representative Bruce Chandler 15<sup>th</sup> Legislative District

Representative Cyndy Jacobsen 25<sup>th</sup> Legislative District

Gradley A. Klippert

Representative Brad Klippert 8<sup>th</sup> Legislative District

Representative Matt Boehnke 8<sup>th</sup> Legislative District

Representative Gina Mosbrucker 14<sup>th</sup> Legislative District

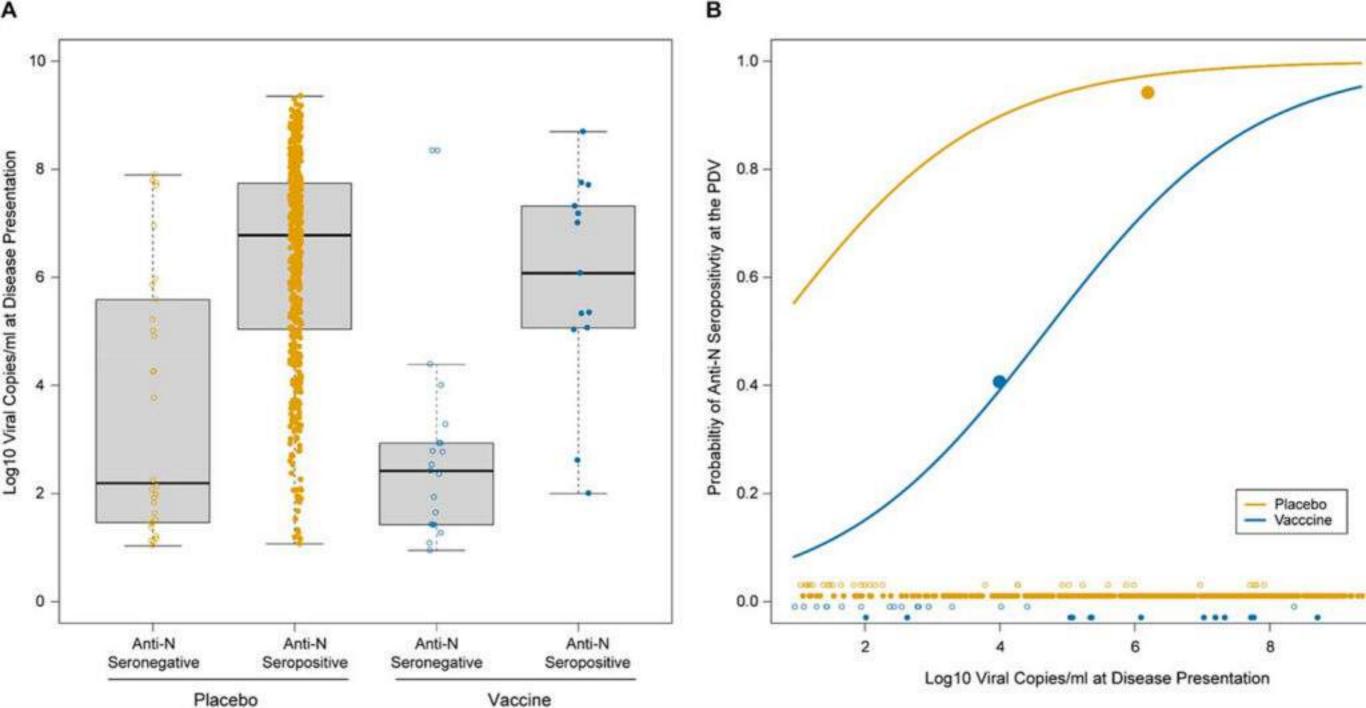
Representative Mary Dye 9<sup>th</sup> Legislative District

Wil

Representative J.T. Wilcox 2<sup>nd</sup> Legislative District

Representative Jenny Graham 6<sup>th</sup> Legislative District

Representative Chris Corry 14<sup>th</sup> Legislative District





May 2, 2022

SENT VIA ELECTRONIC TRANSMITTAL

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

#### RE: PROPOSED REVISIONS TO CHAPTER 246-203-130, DOMESTIC ANIMAL WASTE

Dear Board of Health:

Thank you for the opportunity to provide comments on the proposed rule. This proposal provides a much-needed update to existing, out of date rule language. The Washington State Environmental Health Directors support this proposed language revision as it will result in a more useful rule that can be utilized by local health jurisdictions if necessary.

We believe that the proposed rule, if used by a local health jurisdiction, will result in better health outcomes as the language provides for clear standards for compliance to protect surface and ground waters which in turn protects drinking water supplies, shellfish resources, and recreational waters. Additionally, the proposed rule language provides clear standards for animal keepers to understand and implement in order to protect public health and natural resources in their own communities.

We support the proposed amendments to WAC 246-203-130, Keeping of Animals. If you have questions or would like additional information, you can reach me at 360-728-2290, or john.kiess@kitsappublichealth.org.

Sincerely,

ien

John Kiess, WSEHD Chair Environmental Health Director Kitsap Public Health District

Past Chair Ray Byrne Spokane Co EH Director (509)324-1588 rbyrne@srhd.org Chair John Kiess Kitsap Co EH Director (360)728-2290 John.kiess@kitsappublichealth.org Chair Elect Stephanie Shopbell Grant Co EH Manager (509)766-7960x41 shopbell@granthealth.org Secretary/Treasurer Season Long Cowlitz Co EH Manager (360)414-5592x6445 longs@co.cowlitz.wa.us Member at Large Jessica Gehle Pierce Co EH Director (253)649-1845 jgehle@tpchd.org



#### STATE OF WASHINGTON DEPARTMENT OF AGRICULTURE P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear Board of Health:

One behalf of Washington State Department of Agriculture, I am writing to provide our comments related to the Proposed Rule for WAC 246-203-130, Keeping of Animals. The proposed action would include a title change to Domestic Animal Waste, and propose new standards for the handling and disposal of animal excreta, or animal waste, for the purpose of preventing and controlling nuisance and health hazards. While we agree that these various issues are of potential concern, we would like to express concerns about a new layer of regulatory actions and responsibility related to authorities and duties of other agencies, while potentially not utilizing existing efforts and opportunities for success through educational and voluntary methods.

The Washington State Department of Agriculture (WSDA) is the agency with responsibility over Dairy Nutrient Management (Chapter 90.64 RCW) and rules. The Dairy Nutrient Management laws and rules require dairy animal feeding operations to have dairy nutrient management plans created and approved. The WSDA Dairy Nutrient Management Program (DNMP) staff and Conservation District partners conduct the work to ensure plans are properly implemented, while conducting inspections, education, and technical support. Other partners such as Washington State University researchers and extension staff assist with research, education, technical support, and specialized training. The DNMP staff also conduct specialized water quality monitoring in certain locations where there is increased precipitation and also where facilities are in close proximity to surface water that may lead to impacts to vulnerable aquatic systems and shellfish production locations. The DMNP efforts are an example of how concentrated animal agricultural systems are successfully regulated for the protection of water quality and human health. Part of the success is that the Washington State dairy industry is highly cooperative and supportive of efficient regulation. Every milk producing dairy farm is registered and also regulated for other aspects of operations such as milk production, milk quality and food safety.

When considering how to protect water quality and human health from other diverse animal manure sources around the state, these same kinds of regulatory approaches would be very difficult to apply to many thousands of small animal waste sources. Diverse and complex

nonpoint source pollution is most commonly handled through the implementation of the Washington State Nonpoint Source Plan and associated pollution abatement structures, programs and systems of voluntary approaches. Our agency believes that working with the thousands and thousands of landowners on animal waste management would be more efficient and effective if the efforts were voluntary and supported by state and local coordination, funding of preventative programs, and education and technical assistance. The Washington State agency system of working with nonpoint source and smaller animal systems are structured around voluntary approaches to protect water quality. The attempt for Board of Health to regulate landowners that own and manage small numbers of animals would be contrary to the existing systems and would be confusing and very onerous for the Board of Health and the associated agency partners. Landowners often look to the Washington State Conservation Commission (WSCC), Conservation Districts (CDs), USDA Natural Resources Conservation Service (NRCS), Washington State University (WSU), Ecology, and WSDA for assistance, cost share programs, and technical assistance. A sudden regulatory effort would be very difficult to implement and would all of sudden affect the opportunity for the thousands of property owners to work with the voluntary processes and programs. There are currently many examples of CDs and other partners successfully working with landowners on manure management. We encourage the Board of Health and the Department of Health (DOH) to work within the existing Washington State Nonpoint Source Plan and strategies for achieving federal and state goals for managing animal waste and protecting water quality and human health.

The tasks of managing general small farm manure sources for the protection of water quality and human health can be best taken care of through voluntary and educational processes. We suggest that the Board of Health and DOH review the successful efforts in the state and look for opportunities to collaborate with other state and local agencies to focus on effective and efficient processes in a cooperative process. A combination of education, outreach, and technical assistance efforts would provide for an effective process, combined with existing DOH Office of Drinking Source Water Assessment planning, capture zone and time of travel analysis, and contaminant inventories for all Group A and B public drinking water systems. Instead of attempting to regulate many thousands of landowners with small animal systems, it would be more prudent to pursue a coordinated effort for voluntary efforts while providing education, technical assistance and local support. Our agency has extensive experience with animal agriculture regulation and management. We know there are many manure management issues to tackle and we would like to highlight some of the existing state and local voluntary processes and successes that exist in our state and other locations in the country. We look to highlight how the main state and local groups are working on this, and provide some suggestions for what is working and potentially how Washington State DOH and ODW can join the efforts that would be complimentary. Our agency suggests that we collectively strive to provide tools for land owners and farmers to recognize their own resource concerns and become engaged in their on farm solutions whether they produce their own food, supply food to local markets, or own hobby farm, working, or recreational animals.

We provide this list and summarization of the overall state processes combined with a few examples of state and local groups are working on the manure management topic. Some of these

efforts could be a future focus of partnerships and efforts that could be complimentary and assist in providing solutions.

- There is the broader Ecology Clean Water Act Nonpoint Source Plan approach in Washington State, where the Washington State approach to abating nonpoint sources of pollution are outline. The state's nonpoint source plan provides descriptions of roles and responsibilities, and regulatory and voluntary approaches. The WSDA DNMP effort is described in the plan and other voluntary approaches for smaller potential pollution sources are described outlining management through voluntary, educational and technical approaches.
  - The overall Washington State NPS Plan <u>https://apps.ecology.wa.gov/publications/documents/1510015.pdf</u>
- The nonpoint source agricultural pollutant sources come under the purview and jurisdiction of a number of state and local agencies under the state Clean Water Act Washington State Nonpoint Source Plan and associated programs.
- Ecology is leading the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup and producing Best Management Practice (BMP) guides and manuals including materials geared toward small farms, heaving use areas, grazing, nutrient management, irrigation water management, and manure management. WSDA, WSCC, WSU, EPA, USDA NRCS, Conservation Districts, and other public and private sector groups are teaming together to support Ecology in this Voluntary Clean Water Guidance for Ag Effectiveness Workgroup. We encourage the Board of Health and DOH, or a designated group such as the Office of Drinking Water (ODW), to reach out to Ecology staff to join the group and contribute the ongoing efforts to produce guides for agricultural nonpoint groups and provide for prevention approaches. The collective group is active with producing science-based products and then working to find implementation and funding opportunities to engage local landowners to prevent pollution. All the combined groups are engaged and working toward effective and efficient government processes to collectively tackle these issues. We encourage DOH and the ODW to join and support these approaches.
- There is an ongoing approach with Ecology and the nonpoint source team for developing a new Agricultural BMP guidance. Ecology has been leading meetings for several years of the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup. WSDA and numerous others agencies and groups are a part of this workgroup supporting Ecology in developing the agricultural BMPs.
- This rule making seems contrary to the current approaches developed through the Ecology meetings of the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup <a href="https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv">https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv</a>, to implement the Washington State NPS Plan.
- There are many resources and examples of work being done in Washington State and around the nation and we encourage the support those efforts for voluntary solutions prior to moving to some regulation that could be wasteful. How would an agency actually regulated many thousands of small farms?

- We encourage an approach where successful current and cooperative efforts are inventoried and assessed, and then additional funding is sought for improving voluntary systems.
- The WSDA Natural Resources Assessment Section (NRAS) and DOH ODW team is already working on pilot efforts for ground water protection in source water areas where agriculture is the primary land use.
- The DOH ODW is working to fund new and updated Source Water delineation modeling in the Yakima Ground Water Management Area (GWMA) to assist in focusing on the GWMA implementation in delineated capture zones. The Yakima GWMA Plan is located here: <u>https://www.yakimacounty.us/541/Groundwater-Management</u>.
- Completing capture zone, time of travel, and contaminant source inventory work in the Yakima GWMA and statewide would be an important step for aquifer and drinking water protection. Source water assessments can be combined with other GIS based mapping tools and modeling to assist in focusing precious state and local resources for making protection improvements in source water areas.
- Small farm and landowner management of nonpoint source pollution should be voluntary and prevention efforts is supported by state and local efforts and supported from other partners such as the USDA NRCS.
- Prevention of contamination of surface water, ground water, and public and private drinking water systems is best accomplished with voluntary education and training programs.
- There are many national, regional, state and local organizations that have worked on the topic of animal waste and manure management with small farms and rural landowners.
- There are many resources as well as funding sources available to implement programs that can be targeted to the appropriate audience and stakeholders.
- In Washington there are many groups that have been working on these strategies and education and prevention programs including the WSCC, CDs, WSU, NRCS, WSDA and others.
- The management of small farm and rural potential contaminants such as nutrients, sediment, pathogens, and other nonpoint source pollutants is best handling through non regulatory and educational and prevention programs.
- While DOH has authority to create and focus rules on certain potential contaminants to protect human health and drinking water systems; we recommend that the agency consider assessing the potential power and success of state, federal and local government partnerships; along with agriculture associations and groups to tackle this issue in a more focus and preventative manner.
- Creating new rules that would have a broad and comprehensive approach to the whole state would be difficult to implement and enforce when there are many thousands of potential private property owners around the state that would become newly regulated. There would be many impacts to DOH staff and associated state and local governmental partners with a difficult and potentially contentious rulemaking such as this. This type of rule and the potential implementation would actually be counterproductive to the already active and challenging task of implementing educational and voluntary measures with landowners.
- Our view is that the current approaches of education, technical assistance, and voluntary efforts is currently building and gaining momentum with the Ecology Voluntary Clean

Water Guidance for Ag Effectiveness Workgroup Team and various agency efforts. Some key partners working to create partnerships and successful programs are the WSCC and CD efforts, NRCS cost share and farm planning efforts, and the WSCC Voluntary Stewardship Program (VSP) <u>https://www.scc.wa.gov/vsp</u>. There are a number of key ground water protection program efforts around the state including the: Yakima GWMA, Grant County SDWA project with WSDA and DOH, and the Ground Water Protection Program efforts in Whatcom Country with the CD, Ecology and WSDA. In addition, the unique interagency and international effort with the Nooksack Fraser Transboundary Nitrogen (NTF-N) project is a very important cooperative effort supporting sound science and solutions for nitrogen issues in the Nooksack watershed. These are just a few examples of ongoing successful efforts that are gaining momentum.

- There are many ongoing programs, efforts, and technical tools available for manure and small farm animal waste management such as:
  - o https://lpelc.org/manure-management-on-small-farms/
  - https://lpelc.org/manure-management-on-small-farms/#.VOtCiEJEjDM
  - <u>https://www.rd.usda.gov/programs-services/water-environmental-programs/solid-waste-management-grants/wa</u>
  - https://www.usda.gov/topics/farming/resources-small-and-mid-sized-farmers
  - <u>https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/nra/rca/?cid=</u> <u>nrcs143\_014211</u>
  - https://www.nrcs.usda.gov/wps/portal/nrcs/main/?ss=16&navtype=SubNavigation &cid=null&navid=15018011000000&pnavid=15018000000000&position=Sub Navigation&ttype=main&pname=Manure%20&%20Nutrient%20Management% 20%257C%20NRCS
  - <u>https://connect.extension.org/event/equipment-and-facilities-for-managing-</u> <u>manure-on-small-farms</u>
  - https://bentonswcd.org/mud-and-manure/
  - o <u>http://whatcom.wsu.edu/ag/nutrient/guidel\_1.pdf</u>
  - <u>https://puyallup.wsu.edu/soils/manure/</u>
  - <u>https://extension.oregonstate.edu/collection/mud-manure-management-resources-</u> <u>small-farms</u>
  - <u>https://nerc.org/documents/manure\_management/guide\_to\_providing\_manure\_management\_ed.pdf</u>
  - <u>https://www.extension.iastate.edu/smallfarms/manure-management-acreages-and-small-farms</u>
  - <u>https://www.scc.wa.gov/vsp</u>
  - Michigan Agriculture Environmental Assurance Program, <u>https://maeap.org/</u>
  - https://www.nrcs.usda.gov/wps/portal/nrcs/detail/vt/technical/dma/?cid=nrcs142p
     <u>2\_010561</u>
  - o <u>https://aces.nmsu.edu/farmasyst/</u>
  - o <u>https://bookstore.ksre.ksu.edu/pubs/homeasst.pdf</u>
  - <u>https://extension.psu.edu/programs/nutrient-management/related-programs/pennsylvania-farm-a-syst</u>
  - <u>https://www.landcan.org/</u>
  - o <u>https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water</u>
  - o <u>https://www.epa.gov/sourcewaterprotection/source-water-assessments</u>

- <u>https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-</u> <u>committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv</u>
- We recommend that the Board of Health place more effort, resources, funding, and partnership effort into further developing the SDWA and DOH ODW programs <a href="https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water">https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water</a> for Group A and B source water modeling and system delineations and capture zone and time of travel analysis updates to properly assess the source areas for each public systems.
- This process in Washington State is very incomplete and the protection of ground water, source water, and public drinking water systems would be great enhanced if DOH, Ecology, WSDA, WSCC, CDs, and NRCS actually knew what spatial land areas up gradient of drinking water systems to focus on for our collective and current FTE staff time, resources, and funding.
- Our WSDA NRAS team is currently fulling engaged with DOH ODW staff in assessing all the Group A and B public drinking water data for nitrate, pesticides, and any other potential contaminant of concern.
- Our team has been very successful in proactively reviewing all the data, prioritizing what areas could be assessed and worked on in a systematic process. The goal has been to conduct a few focused projects such as the Yakima GWMA Implementation and Grant County ground water project to conduct update capture zone analysis and provide for programs to educate and provide technical assistance for nonpoint pollution issues that are voluntary in nature.
- These efforts should be pursued prior to some broad scope regulatory approach that would pull all the state and local agencies into something that would be misguided and result in wasting resources, funding, and antagonizing local land owners and small farm owners. It is our view, through first hand experiences, that small farm owners will make improvements once they're engaged with their local technical service provide through VSP and other programs which are lead with the CD, WSU Extension, WSDA and local watershed groups.

We appreciate the opportunity to comment on this draft rule making. We recommend that the state and local partners work to combine efforts and develop strategies that will incorporate effective and efficient use of staff, resources, and technical expertise. Our collective efforts should be strategically focused to work with agriculture and local landowners for farm system management, resiliency, and human health and environmental protection. We respectfully request that this proposed rule not be pursued. We look forward to working with the Board of Health to provide any additional input and helpful comments.

Thank you for considering our input, and we look forward to hearing back from you.

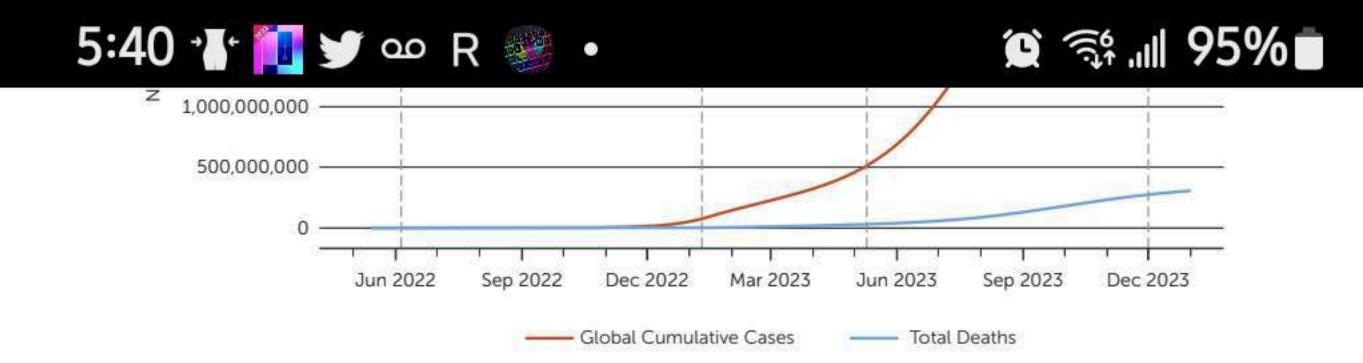
Respectfully,

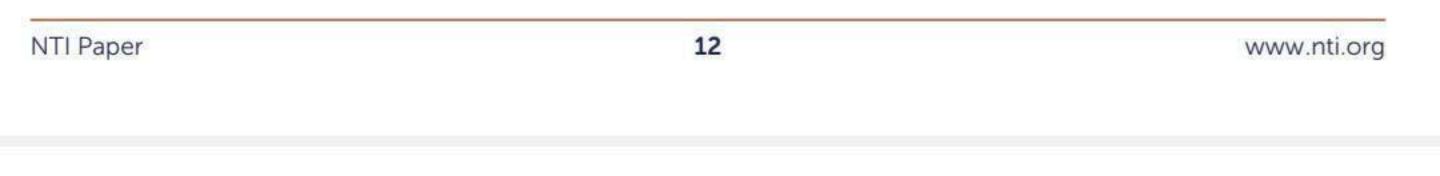
Dary Bahr

Gary Bahr

Science Liaison Office of the Director Washington State Department of Agriculture Olympia, Washington Contact information: 360-349-0522, Gary.Bahr@agr.wa.gov

PC: Kelly McLain, Policy Advisor, WSDA Evan Sheffels, Senior Policy Advisor, WSDA Robin Schoen-Nessa, WSDA Perry Beale, WSDA Vince McGowan, Ecology Sage Park, Ecology Holly Myers, DOH ODW





### Strengthening Global Systems to Prevent and Respond to High-Consequence Biological Threats

Specifically, Brinian intelligence reveals that the engineered monkeypox virus was developed illicitly at the fictional country of Arnica's leading institute for virology. Arnica (population 75 million) has a history of conflict with neighboring Brinia (see map in Figure 5). An independent Arnican terrorist group—the

SPA—had worked with sympathetic laboratory scientists to engineer a highly contagious, deadly pathogen and disperse it at crowded train stations in Brinia during the national holiday, when much of the population was travelling domestically and internationally.

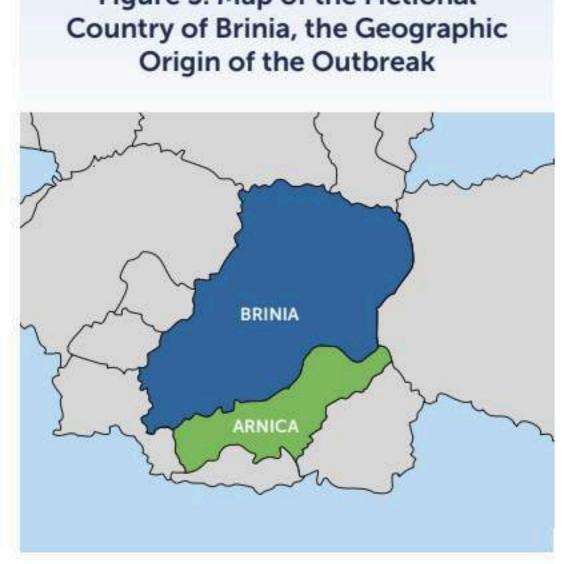
Figure 5. Map of the Fictional

The SPA had exploited the Arnican government's weak oversight of its bioscience research laboratories. SPA sympathizers working in Arnica's leading virology institute used publicly available scientific publications to guide their work to modify the monkeypox virus to make it more transmissible and resistant to currently available vaccines.

The discussion in Move 3 focused on governance of dualuse bioscience research as well as current weaknesses in biosafety and biosecurity systems that exacerbate biological risks.

The final phase of the exercise was a **roundtable discussion** that considered disparities in public health preparedness around the globe and the resulting need for more effective

financing mechanisms to accelerate pandemic preparedness capacity building. Recognizing that pandemic preparedness requires costly investments that lower- and lower-middle income countries cannot afford to make, participants were asked to discuss strategies to catalyze these investments in sustainable ways.



NTI Paper

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Date: June 8, 2022

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

**Subject:** Effective Date Extension – Primary and Secondary Schools, chapter 246-366 WAC, and Environmental Health and Safety Standards for Primary and Secondary Schools, chapter 246-366A WAC

#### Background and Summary:

Under the authority of RCW 43.20.050, the State Board of Health (Board) revised its environmental health and safety standards for primary and secondary schools on August 12, 2009. The adopted rules reflect the Board's intent to have chapter 246-366A WAC supersede chapter 246-366 WAC to promote safe and healthy school environments. The new rules have not been implemented due to restrictions enacted by the Legislature related to concerns with the financial impact of the new rules.

The 2009 – 2011 Washington state operating budget bill included a proviso prohibiting the Washington State Department of Health and the Board from implementing new or amended school rules until the legislature takes action to fund implementation. Based on that directive, the Board filed a Rule-Making Order (CR-103) on December 22, 2009, specifying a July 1, 2010 effective date for the new rules. The Board agreed to review the actions of the legislature at the end of each session to determine whether any portions of the rules could be implemented and to amend the CR-103 accordingly.

Each subsequent biennial budget has included the proviso prohibiting implementation of the new rules and has provided no implementation funding. The Board voted to continue to delay the effective date at the following meetings:

- March 10, 2010 (filed as WSR 10-12-018 on May 21, 2010)
- April 13, 2011 (filed as WSR 11-10-080 on May 3, 2011)
- March 13, 2013 (filed as WSR 13-09-040 on April 11, 2013)
- March 11, 2015 (filed as WSR 15-09-070 on April 15, 2015)
- June 14, 2017 (filed as WSR 17-14-055 on June 28, 2017)
- June 12, 2019 (filed as WSR 19-14-107 on July 2, 2019)
- June 9, 2021 (filed as WSR 21-14-056 on July 1, 2021)

At its June 2021 meeting, the Board elected to extend the effective date by one year and authorized the Board Chair to send a formal letter to the Governor, Office of the Superintendent of Public Instruction (OSPI), Department of Health (Department), and other interested parties to indicate these chapters of rule need to be updated. The Board participated in meetings with the Department, Governor's Office, OSPI, Office of

### Washington State Board of Health June 8, 2022 Meeting Memo

Financial Management, and certain members of the Legislature to discuss the school rules.

During the 2022 legislative session, the <u>House-proposed supplemental operating</u> <u>budget</u> revised the proviso to allow implementation of the school rules after the Department submits a report to the legislature that describes the general condition of schools and health and safety concerns identified through school plan reviews, inspections, and complaint investigations conducted by local health jurisdictions. Proposed revisions to the budget proviso were not included in the final 2021-2023 Washington state supplemental operating budget passed by the Legislature (<u>Engrossed</u> <u>Substitute Senate Bill 5693</u>). For this reason, the Board must file a new CR-103 before August 2022 to extend the effective date of these chapters.

Separately, the supplemental operating budget did allocate funding to the Department to contract with the University of Washington to develop a report to the Legislature regarding school environmental health policies, recommendations, and standards. The report must include:

- A review of policies and regulations for environmental health in K-12 schools in other states;
- A literature review and recommendations for exposure standards and remediation levels protective of student health and safety in schools;
- A summary of activities (e.g., inspections, management, control levels, and remediation) of a variety of contaminants and issues including PCBs, lead, asbestos, poor ventilation, and mold; and
- Recommendations for next steps for policies and standards in Washington schools.

This report is due to the legislature by December 31, 2022.

While the Board must further delay the effective dates for the school rules, this does not mean there are no school health and safety rules in place. Existing chapter 246-366 WAC remains in effect.

#### Recommended Board Actions:

The Board may wish to consider and amend, if necessary, the following motion:

The Board directs staff to amend the effective date of new sections of chapter 246-366 WAC and new chapter 246-366A WAC, as filed in WSR 21-14-056, by filing a new CR-103, Order of Adoption, to delay the effective date of the new rules to August 1, 2023.

#### Staff

Kaitlyn Donahoe

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at <u>kelie.kahler@sboh.wa.gov.</u> TTY users can dial 711.

> PO Box 47990 • Olympia, WA 98504-7990 360-236-4110 • <u>wsboh@sboh.wa.gov</u> • <u>sboh.wa.gov</u>



# Washington State Board of Health

School Environmental Health and Safety, Chapters 246-366 & 246-366A WAC June 8, 2022

# Kaitlyn Donahoe, MPA Policy Advisor, State Board of Health



### Overview

- Background
- Prior Board Action
- Recent Legislative Action
- Potential Future Revisions
- Next Steps

## Background

- The Board has the authority under RCW 43.20.050 to set environmental public health standards for schools
- In August 2009, the Board adopted new sections of chapter 246-366 WAC, Primary and Secondary Schools, and established a new chapter 246-366A, Environmental Health and Safety Standards for Primary and Secondary Schools
- These rules provide minimum environmental health and safety standards for all schools in Washington



## Background

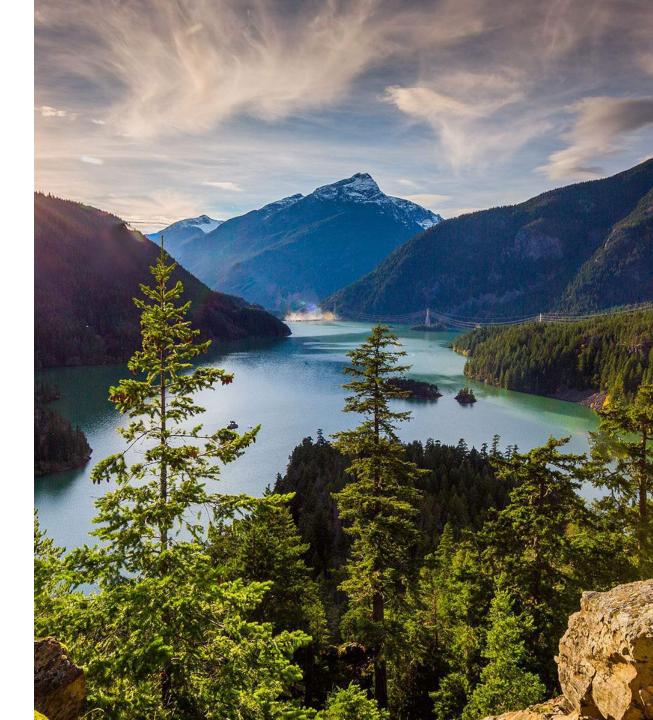
- Before the rules could be implemented the 2009 Legislature adopted a budget proviso suspending implementation of the rules until the Legislature acts to formally fund implementation
- The proviso has been included in all subsequent state operating budgets
- The Board agreed to review actions of the Legislature at the end of each session to determine whether any portions of the rules could be implemented



### **Prior Board Action**

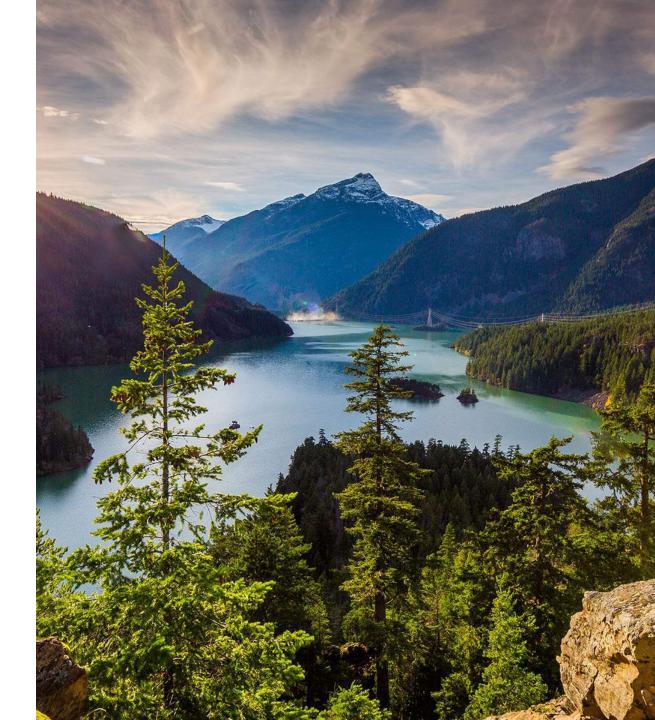
The Board took action to delay the effective date of the school rules at these meetings:

- March 10, 2010
- April 13, 2011
- March 13, 2013
- March 11, 2015
- June 14, 2017
- June 12, 2019
- June 9, 2021



### **Recent Board Action**

- In 2021 the Board elected to extend the effective date by one year and authorized the Chair to write a letter to the Governor and appropriate parties asking to remove the proviso
- Board staff met with the Governor's office, Department of Health, Office of the Superintendent of Public Instruction, Office of Financial Management, and select legislators to discuss the school rules and budget proviso



## **Recent Legislative Action (2022)**

- The 2021-2023 supplemental state operating budget retained the proviso preventing implementation of the school rules
- Funding allocated to DOH to contract with UW to develop a report regarding school environmental health policies and recommendations
- House budget proposed revisions to the proviso language that would allow implementation an assessment of school environmental health and safety (did not advance)



### **Potential Future Revisions**

- Update references to federal laws, rules, and/or guidance
- Align with recent state legislation (i.e., E2SHB 1139, addressing lead in school drinking water)
- Consider the need for new standards to address climate change, severe adverse weather events, wildfires, indoor air quality, etc.
- Review rules and associated analyses using an equity and environmental justice lens



### **Next Steps**

- The current effective date of these rules is August 1, 2022.
- The Board will need to file a new CR-103 before August 2022 to extend the effective date for certain sections of chapter 246-366 WAC and new chapter 246-366A.
- Until the budget proviso is lifted and the Board is able to implement the updated school rules, the existing chapter (246-366) remains in effect.

# THANK YOU



To request this document in an alternate format, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102, or by email at <u>kelie.kahler@sboh.wa.gov</u> TTY users can dial *7*11

CODE REVISER USE ONLY

STATE CALL

# RULE-MAKING ORDER PERMANENT RULE ONLY

# CR-103P (December 2017) (Implements RCW 34.05.360)

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED

DATE: July 01, 2021 TIME: 3:01 PM

WSR 21-14-056

Agency: State Board of Health

### Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) <u>08/01/2022</u> (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

### Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain: Restrictions imposed by the 2009 legislature on the implementation of new or amended school facility rules are again included in the 2021-2023 state operating budget and prohibit implementation of the rules until the legislature acts to formally fund implementation.

**Purpose:** This filing delays the effective date of new sections of chapter 246-366 WAC, Primary and Secondary Schools, and new chapter 246-366A WAC, Environmental Health and Safety Standards for Primary and Secondary Schools, due to continued legislative direction in the state operating budget (ESSB 5092) prohibiting implementation until the legislature acts to formally fund implementation. The rules provide minimum environmental health and safety standards for schools.

New sections of chapter 246-366 WAC, Primary and Secondary Schools, and new chapter 246-366A WAC, Environmental Health and Safety Standards for Primary and Secondary Schools, were adopted by the State Board of Health (Board) on August 12, 2009 under Proposed Rule Making (CR-102), WSR 09-14-136. The Board filed a Rule-Making Order (CR-103), WSR 10-01-174, on December 22, 2009 setting the effective date of the rules as July 1, 2010. However, in advance of the Board's actions, the 2009 Legislature adopted a proviso in the state operating budget (ESHB 1244) suspending implementation of the new rules until the Legislature acts to formally fund implementation. The proviso has been added to all subsequent state operating budgets, including the 2021-2023 state operating budget (ESSB 5092). In response, the Board has taken the following series of actions to delay implementation of the new rules:

Voted on March 10, 2010 to file an amended Rule-Making Order, WSR 10-12-018, on May 21, 2010 to change the effective date to July 1, 2011;

Voted on April 13, 2011 to file an amended Rule-Making Order, WSR 11-10-080, on May 3, 2011 to delay the effective date another two years to July 1, 2013;

Voted on March 13, 2013 to file an amended Rule-Making Order, WSR 13-09-040, on April 11, 2013 to delay the effective date another two years to July 1, 2015;

Voted on March 11, 2015 to file an amended Rule-Making Order, WSR 15-09-070, on April 15, 2015 to delay the effective date of the rules another two years to July 1, 2017;

Voted on June 14, 2017 to file an amended Rule-Making Order, WSR 17-14-055, on June 28, 2017 to delay the effective date of the rules another two years to August 1, 2019; and

Voted on June 12, 2019 to file an amended Rule-Making Order, WSR 19-14-107, on July 2, 2019 to delay the effective date of the rules another two years to August 1, 2021.

Action by the Board on June 9, 2021 extends the effective date of the new rules to August 1, 2022.

Citation of rule	es affected by this order:
New:	None
Repealed:	None
Amended:	None
Suspended:	None
Statutory auth	ority for adoption: RCW 43.20.050
Other authorit	y:

# PERMANENT RULE (Including Expedited Rule Making) Adopted under notice filed as WSR 09-14-136 on 07/01/2009 (date). Describe any changes other than editing from proposed to adopted version: See WSR 10-01-174. If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: Name: Kaitlyn Donahoe Address: P.O. Box 47990, Olympia, WA 98504-7990 Phone: 360-584-6737 Fax: 360-236-4088 TTY: 711 Email: kaitlyn.donahoe@sboh.wa.gov Web site: www.sboh.wa.gov Other: N/A

Note: If any category is le No descriptive text		ank, it v	will be calc	ulate	d as zero.		
Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.							
The number of sections adopted in order to comply with:							
Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
The number of sections adopted at the request of a	a nongo	vernmen	tal entity:				
	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
The number of sections adopted in the agency's ov	wn initia	ative:					
	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
The number of sections adopted in order to clarify,	stream	line, or re	eform agency <b>p</b>	procedu	ires:		
	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
The number of sections adopted using:							
Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
Date Adopted: 06/09/2021		Signatur	e:				
Name: Michelle A. Davis			Michelle ADavid				
Title: Executive Director, Washington State Board of H	lealth			······································	annia		

CODE REVISER USE ONLY



# RULE-MAKING ORDER PERMANENT RULE ONLY

# CR-103P (December 2017) (Implements RCW 34.05.360)

Agency: State Board of Health

### Effective date of rule:

**Permanent Rules** 

 $\Box$  31 days after filing.

Other (specify) <u>08/01/2023</u> (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

### Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

 $\boxtimes$  Yes  $\square$  No If Yes, explain: Restrictions imposed by the 2009 legislature on the implementation of new or amended school facility rules are retained in the 2021-2023 supplemental state operating budget, prohibiting implementation of the rules through June 2023.

**Purpose:** This filing delays the effective date of new sections of chapter 246-366 WAC, Primary and Secondary Schools, and new chapter 246-366A WAC, Environmental Health and Safety Standards for Primary and Secondary Schools, one year due to legislative direction in the supplemental state operating budget (Engrossed Substitute Senate Bill 5693) prohibiting implementation until the legislature acts to formally fund implementation. The rules provide minimum environmental health and safety standards for schools.

New sections of chapter 246-366 WAC, Primary and Secondary Schools, and new chapter 246-366A WAC, Environmental Health and Safety Standards for Primary and Secondary Schools, were adopted by the State Board of Health (Board) on August 12, 2009 filed as WSR 09-14-136. The Board filed a Rule-Making Order (CR-103), WSR 10-01-174, on December 22, 2009 setting the effective date of the rules as July 1, 2010. However, in advance of the Board's actions, the 2009 Legislature adopted a proviso in the state operating budget (Engrossed Substitute House Bill 1244) suspending implementation of the rules until the Legislature acts to formally fund implementation. The proviso has been included in all subsequent state operating budgets, including the 2021-2023 supplemental state operating budget (ESSB 5693). In response, the Board has taken the following series of actions to delay implementation of the rules:

- Voted on March 10, 2010 to file an amended Rule-Making Order, filed as WSR 10-12-018 on May 21, 2010, to delay the effective date to July 1, 2011;
- Voted on April 13, 2011 to file an amended Rule-Making Order, filed as WSR 11-10-080 on May 3, 2011, to delay the effective date to July 1, 2013;
- Voted on March 13, 2013 to file an amended Rule-Making Order, filed as WSR 13-09-040 on April 11, 2013, to delay the effective date to July 1, 2015;
- Voted on March 11, 2015 to file an amended Rule-Making Order, filed as WSR 15-09-070 on April 15, 2015, to delay the effective date to July 1, 2017;
- Voted on June 14, 2017 to file an amended Rule-Making Order, filed as WSR 17-14-055 on June 28, 2017, to delay the effective date to August 1, 2019;
- Voted on June 12, 2019 to file an amended Rule-Making Order, filed as WSR 19-14-107 on July 2, 2019, to delay the
  effective date to August 1, 2021; and
- Voted on June 9, 2021 to file an amended Rule-Making Order, filed as WSR 21-14-056 on July 1, 2021, to delay the effective date to August 1, 2022.

Action by the Board in June 2022 extends the effective date of the new rules to August 1, 2023. The Board will continue to monitor the state budget and budget proviso suspending implementation of the new rules in the coming legislative sessions for possible implementation in 2023.

Citation of rules affected by this order: New: None Repealed: None Amended: None Suspended: None Statutory authority for adoption: RCW 43.20.050

Other authority:							
PERMANENT RULE (Including Expedited Rule Mak							
Adopted under notice filed as <u>WSR 09-14-136</u> on <u>07/01/09</u> (date).							
Describe any changes other than editing from proposed to adopted version: See WSR 10-01-174.							
If a preliminary cost-benefit analysis was prepared contacting:	under R	CW 34.05.3	328, a final cos	st-benef	it analysis is av	ailable by	
Name: Kaitlyn Donahoe	_						
Address: P.O. Box 47990, Olympia, WA 98504-799 Phone: 360-584-6737	90						
Fax: N/A							
TTY:							
Email: kaitlyn.donahoe@sboh.wa.gov							
Web site: www.sboh.wa.gov Other: N/A							
Note: If any category is le	eft bla	ank. it w	ill be cald	culate	d as zero.		
No descriptive text		,					
-					•		
Count by whole WAC sections only A section may be c					nistory note.		
he number of sections adopted in order to comply	v with:		-	-			
Federal statute:	New	0	Amended	<u>0</u>	Repealed	<u>0</u>	
Federal rules or standards:	New	0	Amended	<u> </u>	Repealed	<u>0</u>	
Recently enacted state statutes:	New	<u>o</u> 0	Amended	<u>o</u> 0	Repealed	<u>o</u>	
Recently enacted state statutes.	INCW	<u>0</u>	Amended	<u>v</u>	Repealed	<u>u</u>	
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	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
The number of sections adopted in order to clarify,						_	
	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
The number of sections adopted using:				_		_	
Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>	
Date Adopted:	S	ignature:					
Name: Michelle A. Davis			Plac	e signat	ure here		
Title: Executive Director, Washington State Board of H	lealth						



Date: June 8, 2022

To: Washington State Board of Health Members

From: Patty Hayes, Board Member

Subject: Petition for Rulemaking, chapter 246-215 WAC, Food Service

# Background and Summary:

The Administrative Procedures Act (RCW 34.05.330) allows any person to petition a state agency to request adoption, amendment, or repeal of any rule. Upon receipt of a petition, the agency has sixty days to either (1) deny the petition in writing stating the reasons and, as appropriate, offer other means for addressing the concerns raised by the petitioner, or (2) accept the petition and initiate rulemaking.

On April 11, 2022 the Board received a petition for rulemaking requesting the Board adopt a rule to require food handlers to wear a mask at all times. The petition states that the rise of assembly line-style food preparation results in the spread of food handlers' bodily fluids on food, and that it would be prudent to require food handlers to wear a mask at all times to protect the public's health.

The Board's authority under RCW 43.20.050 requires the Board to adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness. Chapter 246-215 WAC, Food Service, outlines requirements for food establishments to safeguard public health and provide consumers food that is safe, unadulterated, and honestly presented. This chapter includes provisions regarding employee health and hygiene, sanitization, and contamination of food in alignment with the 2017 Food Code published by the Food and Drug Administration. While there are several requirements that food handlers must comply with, employees are not required to wear masks or face coverings under chapter 246-215 WAC.

The Centers for Disease Control and Prevention (CDC) maintains <u>a list of pathogens</u> <u>transmitted by food contaminated by infected persons</u>. Some of these pathogens are frequently transmitted by food that becomes contaminated because of being handled by infected individuals. The failure of food handlers to wash hands in certain situations (e.g., using the restroom), wear clean, disposable gloves, or use clean utensils is responsible for pathogen transmission. Other pathogens usually cause disease when food is intrinsically contaminated or cross-contaminated during production, processing, or transportation.

There are currently no known food borne illnesses spread via droplets from the mouth or aerosolized saliva that masks or face coverings worn by the food handler would be Washington State Board of Health June 8, 2022 Meeting Memo Page 2

effective in preventing. The spread of respiratory illnesses in enclosed spaces is a public health concern that is not limited to food service establishments.

The Board has broad authority under RCW 43.20.050 to prevent and control the spread of communicable diseases. Furthermore, there are many public health strategies carried out by local, tribal, and state agencies that can be implemented to prevent, control, and mitigate the spread of respiratory illnesses. As highlighted in different phases of the pandemic, mask mandates, distancing, improved ventilation, indoor capacity limits, and closure of certain public spaces were used to prevent the spread of COVID-19.

I have invited Kaitlyn Donahoe, Board Staff, to provide additional information from the petitioner and outline the Board's options for responding to the petition.

# **Recommended Board Actions:**

The Board may wish to consider and amend, if necessary, one of the following motions:

The Board declines the petition to initiate rulemaking to adopt a rule to require food service handlers to wear a mask at all times under chapter 246-215 WAC for the reasons articulated by Board members and directs staff to notify the petitioner of the Board's decision. The Board also directs staff to provide an educational briefing at a future meeting regarding current state, local, and tribal health authorities and mitigation strategies to prevent and control the spread of respiratory illnesses in indoor settings.

# OR

The Board declines the petition to initiate rulemaking to adopt a rule to require food service handlers to wear a mask at all times under chapter 246-215 WAC for the reasons articulated by Board members. The Board directs staff to notify the petitioner of the Board's decision.

# OR

The Board accepts the petition for rulemaking to adopt a rule to require food service handlers to wear a mask at all times under chapter 246-215 WAC for the reasons articulated by Board members. The Board directs staff to notify the petitioner of its decision and to file a CR-101, Proposal of Inquiry, under its authority in RCW 43.20.050.

### Staff

# Kaitlyn Donahoe

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at <u>kelie.kahler@sboh.wa.gov.</u> TTY users can dial 711.

> PO Box 47990 • Olympia, WA 98504-7990 360-236-4110 • <u>wsboh@sboh.wa.gov</u> • <u>sboh.wa.gov</u>



# Washington State Board of Health

Rulemaking Petition, Food Service, chapter 246-215 WAC June 8, 2022

# Kaitlyn Donahoe, MPA Policy Advisor, State Board of Health



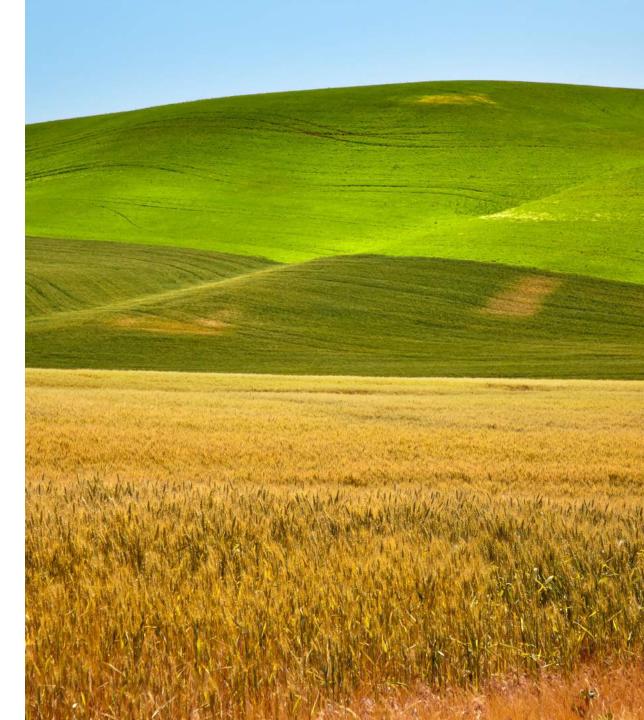
# Background

Under the Administrative Procedures Act, any person may petition a state agency to adopt, repeal, or amend any rule within its authority.



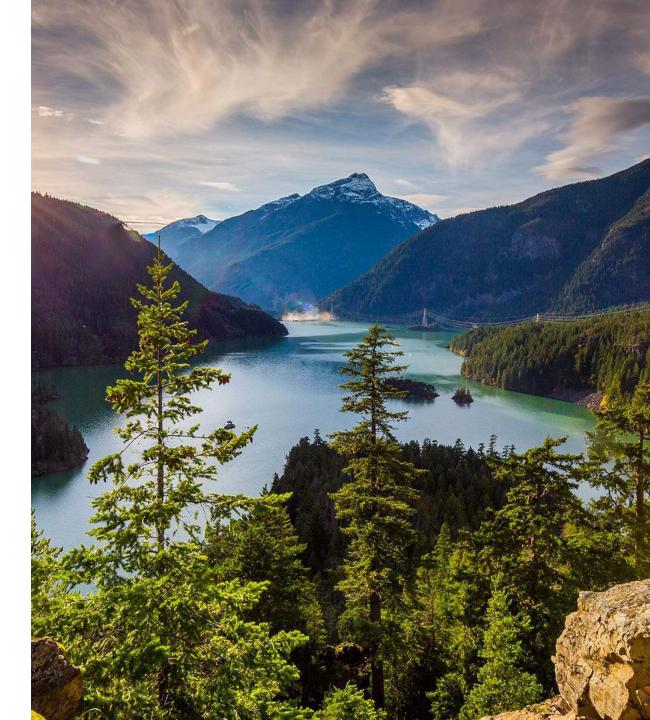
# **Petition Request**

- On April 11, 2022, the Board received a petition for rulemaking requesting the Board adopt a rule to require food handlers wear a mask at all times.
- The petition states that the rise of assembly line-style food preparation results in the spread of food handlers' bodily fluids on food, and that it would be prudent to require food handlers to wear a mask at all times to protect the public's health.



# **Food Service Rules**

- Chapter 246-215 WAC outlines requirements for food establishments to safeguard public health and provide consumers food that is safe, unadulterated, and honestly presented
- Includes provisions on employee health and hygiene, sanitization, and contamination of food, and more in alignment with the 2017 FDA Food Code
- Does not require food handlers to wear masks or face coverings to prevent spread of foodborne illnesses



# Pathogens Transmitted by Food per CDC

The CDC maintains a list of pathogens transmitted by food contaminated by infected persons who handle food, and modes of transmission of such pathogens:

- Astroviruses
- Bacillus cereus
- Campylobacter jejuni
- Clostridium perfringens
- Cryptosporidium species
- Entamoeba histolytica
- Enterohemorrhagic .E coli
- Enterotoxigenic E coli

- Giardia intestinalis
- Hepatitis A virus
- Nontyphoidal Salmonella
- Noroviruses
- Rotaviruses
- Salmonella Typhi\*
- Sapoviruses
- Shigella species

- Staphylococcus aureus
- Streptococcus pyogenes
- Taenia solium cysticercosis
- Vibrio cholera
- Yersinia enterocolitica

# **DOH Recommendation**

- The Department recommends the Board deny the petition
- A primary intent of the Food Service rules are to prevent the spread of foodborne illnesses
- Respiratory diseases are not transmitted through food and are not considered a foodborne disease
- The Department recommends exploring the Board's and other public health partners' regulatory authority and mitigation strategies to prevent and control respiratory illness both in and beyond indoor food establishments



# Considerations

- Currently no known foodborne illnesses are spread via droplets from the mouth or aerosolized saliva that masks or face coverings would be effective in preventing, including the CDC's 21 pathogens
- Concerns regarding the prevention and spread of communicable diseases via the respiratory tract should consider all indoor environments, not limited to food establishments



# **Considerations** (cont'd)

- The Board has broad authority to prevent and control communicable disease
- There are many tools in the public health toolbox to mitigate the spread of respiratory illnesses
- The Board may wish to further explore current regulations and authorities to preserve public health more broadly
  - Staff can provide information at a future meeting



# **Board Discussion**

# Would the Board consider accepting or denying this petition? Why or why not?

Discussion and justification for the Board's decision will be included in the Board's determination letter to the petitioner.

# THANK YOU



To request this document in an alternate format, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102, or by email at <u>kelie.kahler@sboh.wa.gov</u> TTY users can dial *7*11



# PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

In accordance with <u>RCW 34.05.330</u>, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <a href="http://apps.leg.wa.gov/wac/default.aspx?cite=82-05">http://apps.leg.wa.gov/wac/default.aspx?cite=82-05</a>.

### **CONTACT INFORMATION** (please type or print)

Petitioner's Name	Cecilia Williams			
Name of Organization				
Mailing Address				
City Bellevue		State	WA	Zip Code 98006
Telephone		Email	Cecewils87@g	mail.com

### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <u>http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm</u>.

### **INFORMATION ON RULE PETITION**

Agency responsible for adopting or administering the rule:

### X 1. NEW RULE - I am requesting the agency to adopt a new rule.

X The subject (or purpose) of the	food handlers wear ma	om bodily fluids in the form of respiratory droplets by having asks.			
$\overline{ \mathbf{X} }$ The rule is needed because:		ortant to protect our food from bodily fluids with the use of masks as it is to protect our pathogens with the use of gloves or from hair with the use of hats or hair nets.			
X The new rule would affect the	e following people or groups:	Food handlers, servers and food preparers.			

# **2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known:	
I am requesting the following change:	
This change is needed because:	
The effect of this rule change will be:	
The rule is not clearly or simply stated:	
3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.	
List rule number (WAC), if known:	
(Check one or more boxes)	
It does not do what it was intended to do.	
It is no longer needed because:	
It imposes unreasonable costs:	
The agency has no authority to make this rule:	
It is applied differently to public and private parties:	
It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known:	
It duplicates another federal, state or local law or rule. List duplicate law or rule, if known:	
Other (please explain):	



STATE OF WASHINGTON DEPARTMENT OF HEALTH OFFICE of ENVIRONMENTAL HEALTH and SAFETY PO Box 47824, Olympia, WA 98504 (360) 236-3330 • 711 Washington Relay Service

June 1, 2022

- To: Michelle Davis, Executive Director State Board of Health
- From: Todd Phillips, Director Office of Environmental Health and Safety
- Re: Department of Health Recommendation, petition to amend chapter 246-215 WAC, Food service.

The Washington State Board of Health (Board) received a petition that requests the Board amend chapter 246-215 WAC, Food Service, to require food service workers to wear masks at all times to protect food from the spread of employees' bodily fluids in the form of respiratory droplets.

Several provisions in chapter 246-215 WAC address food contamination by employees, including bodily fluids. Specifically, WAC 246-215-02405 prohibits employees with persistent sneezing, coughing, or runny nose from working with exposed food. Provisions related to handwashing and prohibiting bare hands from contacting ready-to-eat foods are intended to eliminate contamination if hands come in contact with fluid and discharges from the eyes, nose, and mouth.

If the petitioner's intent is to prevent the spread of respiratory diseases through food, chapter 246-215 WAC would not be the appropriate rule to modify. A primary intent of the Food Service rules are to prevent the spread of foodborne illnesses. Respiratory diseases are not transmitted through food and are not considered a foodborne disease. It would be more appropriate to consider this petition for a rule concerning communicable diseases that aren't spread through food and consider mitigation strategies in indoor environments beyond food establishments.

The Department of Health's Office of Environmental Health and Safety oversees the administration of this rule and recommends the Board deny this petition to amend chapter 246-215 WAC, Food service, and instead recommends exploring the Board's and other public health partners' regulatory authority and mitigation strategies to prevent and control respiratory disease both in and beyond indoor food establishments.

Respectfully,

2W MS.

Todd Phillips, R.S. Director, Office of Environmental Health & Safety

### Washington State Board of Health Policy & Procedure

Policy Number:	2005-001
Subject:	Responding to Petitions for Rule-Making
Approved Date:	November 9, 2005 (revised August 13, 2014)

### Policy Statement

RCW 34.05.330 allows any person to petition a state agency to adopt, repeal, or amend any rule within its authority. Agencies have 60 days to respond. The agency can deny the request—explaining its reasons and, if appropriate, describing alternative steps it is prepared to take—or it must initiative rule-making. If a petition to repeal or amend a rule is denied, a petitioner can appeal the agency's decision to the Governor.

This policy defines who must be notified and consulted when the Board is petitioned, who may respond on behalf of the Board, and whether Board action is required.

- **Board Response**: When the Board receives a written petition for rule-making within its authority that clearly expresses the change or changes requested, the Board will respond within 60 days of receipt of the petition. The response will be made at the direction of the Board. The response will be in the form of a letter from the Chair denying the petition or informing the petitioner the Executive Director has been directed to initiate rule-making.
- **Consideration of the Petition:** The Chair may place a petition for rule-making on the agenda for a Board meeting scheduled to be held within 60 days of receipt of the petition. Alternatively, if the Board does not have a regular meeting scheduled within 60 days of receipt of the petition, or if hearing the petition at the next regular meeting would defer more pressing matters, the Chair shall call a special meeting of the Board to consider the petition for rulemaking.

# **Procedure**

• Notifications: Board staff, in consultation with the Executive Director, will respond to the petitioner within three business days acknowledging receipt of the petition and informing the petitioner whether the request is clear. The Executive Director or staff will notify Board members that a petition for rule-making has been received and will be brought to the Board for consideration at the next regularly scheduled board meeting or will be considered at a special meeting. If

no regular meeting is scheduled before the 60-day response deadline, or if the agenda for the regular meeting cannot accommodate the petition, the Executive Director will notify the Chair of the need to schedule a special board meeting for the purposes of considering the petition. Upon Board action on the petition, the Executive Director shall assure Board members receive electronic copies of the final petition response.

- **Appeals:** If a petitioner appeals the Board's decision to deny a petition to the Governor, the Executive Director will inform the Board of the Governor's action on the appeal at the next scheduled Board meeting.
- **Consultation:** The Executive Director and Board staff will gather background information for the Board's use when it considers the petition. In this regard, the Executive Director will consult with the Board member who sponsored the most recent revisions to the rule being challenged or the appropriate policy committee. The Executive Director may also consult with appropriate representatives of the implementing agency or agencies, and may consult with stakeholders as appropriate.

# RCW <u>43.20.050</u>

# Powers and duties of state board of health—Rule making— Delegation of authority—Enforcement of rules.

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules for group A public water systems, as defined in RCW **70A.125.010**, necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants;

(b) Adopt rules as necessary for group B public water systems, as defined in RCW **70A.125.010**. The rules shall, at a minimum, establish requirements regarding the initial design and construction of a public water system. The state board of health rules may waive some or all requirements for group B public water systems with fewer than five connections;

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

(d) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, and

cleanliness in public facilities including but not limited to food service establishments, schools, recreational facilities, and transient accommodations;

(e) Adopt rules for the imposition and use of isolation and quarantine;

(f) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule; and

(g) Adopt rules for accessing existing databases for the purposes of performing health related research.

(3) The state board shall adopt rules for the design, construction, installation, operation, and maintenance of those on-site sewage systems with design flows of less than three thousand five hundred gallons per day.

(4) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(5) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he or she shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(6) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

[ <u>2021 c 65 § 37; 2011 c 27 § 1; 2009 c 495 § 1; 2007 c 343 § 11; 1993 c 492 §</u> <u>489; 1992 c 34 § 4</u>. Prior: <u>1989 1st ex.s. c 9 § 210; 1989 c 207 § 1; 1985 c 213 §</u> <u>1; 1979 c 141 § 49; 1967 ex.s. c 102 § 9; 1965 c 8 § 43.20.050; prior: (i) 1901 c 116 §</u> <u>1; 1891 c 98 § 2</u>; RRS § 6001. (ii) <u>1921 c 7 § 58</u>; RRS § 10816.]

# WASHINGTON STATE BOARD OF HEALTH BYLAWS

Updated March 14, 2018 Updated October 11, 2017 Revised October 12, 2005 Adopted May 11, 2005



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# ARTICLE I: MEMBERSHIP

# Members

- The Governor appoints nine members of the Washington State Board of Health (the Board) as described in RCW 43.20.030.
- The Secretary of Health or a designee is the tenth member of the Board.

# Terms of Office

- A term of office is three years. The Governor may reappoint members to additional terms.
- A member whose term has expired may continue to serve until the Governor appoints his or her successor.
- A Board member may resign if he or she is no longer able to participate in Board meetings or complete his or her term, the member must submit a letter of resignation to the Board Chair, and complete the Governor's on-line resignation form.
- As vacancies occur on the Board by resignation, death, incapacity, etc., the vacancy shall be filled by appointment by the Governor for the remainder of the term.

# **Reimbursement for Expenses**

- Board members appointed by the Governor may receive \$50 for each day they attend official Board or committee meetings, or participate in other Boardapproved activities. This will be done in accordance with RCW 43.03.240.
- A Board member who works full-time for any federal, state, or local government agency may not be paid for a day of service if they are also paid by their employer for working that day. Appointed

Board members may be reimbursed for expenses associated with Board-approved meetings or activities. Reimbursements will be made consistent with RCW 43.03.050 and 43.03.060.

 As resources allow, meetings or activities for which members may be paid include participation in ad hoc committees; meetings with other government agencies, stakeholders and community groups; or testifying or presenting on behalf of the Board, at legislative meetings or professional conferences.

# ARTICLE II: BOARD OFFICERS

# Officers

• The officers of the Board consist of the Chair, Vice Chair, and the Chair Pro-Tem.

# Elections/Terms of Office

- The Governor will appoint the Chair from among the nine appointed members consistent with RCW 43.20.030.
- The Chair shall serve for the duration of his or her appointment, or until the Governor appoints a successor.
- The Board shall elect a Vice Chair from the remaining eight appointed members. The election shall take place at a Board meeting, by a vote of the Board, preceding the end of the term or resignation of the sitting Vice Chair.
- The Vice Chair's term starts upon election and continues until the end of his or her appointment, until the Vice Chair resigns, or upon the request for replacement by the Chair that receives the concurrence of a majority of the Board.
- If both the Chair and Vice Chair are absent or have recused themselves from a meeting or agenda item, Board members shall elect one of the remaining members present to serve as Chair Pro-Tem.
- The Chair Pro-Tem shall serve for the duration of the absence or recusal.

# **Duties of Officers**

• The Chair provides overall leadership to the Board, presides at all meetings and has all powers and duties conferred by law and these bylaws. The Chair or a designee shall represent the Board at official functions. The Chair shall approve and sign correspondence that reflects the Board's position on matters that aren't purely administrative in nature. This includes correspondence with the Legislature and other government agencies on matters of policy. The Chair may ask the Executive Director to sign correspondence as appropriate.

- The Vice Chair acts in the capacity of the Chair when the Chair is absent or recused because of a conflict of interest, or is otherwise unable to serve.
- The Chair Pro-Tem presides during Board meetings when the Chair and Vice Chair are absent or are otherwise unable to preside.

# **Regular Board Meetings**

- All Board meetings are subject to the Open Public Meetings Act Chapter 42.30 RCW.
- The Board shall adopt an annual schedule of dates and locations for regular meetings for each calendar year, and shall file it for publication with the Code Reviser. Agendas for regular meetings shall be posted to the Board's website 24 hours in advance, as required by RCW 42.30.077
- Regular meetings will generally take place on the second Wednesday of the month. As resources allow, meetings will occur at locations across the state.
- Any changes to the annual schedule shall be made at the discretion of the Board Chair, with the approval of the Board.
- The Chair or Executive Director may cancel a regular Board meeting for justifiable reasons, including the lack of sufficient agenda items.
- If the Board is unable to meet at a meeting location due to natural disaster including but not limited to fire, flood, earthquake, or other emergency, and the Board needs to meet to address the emergency, the Chair may move the meeting site to a place other than the published meeting site. Board staff will post the new meeting location to the Board's website and will send notice to interested parties at least one day before the meeting at the new site.

# **Special Board Meetings**

- The Chair may call a special meeting of the Board at any time.
- Notice of a special meeting shall be provided in accordance with the Open Public Meetings Act, Chapter 42.30 RCW. Board staff will post the meeting announcement on the Board's website and will send notice by electronic mail to interested parties, 24 hours in advance of the meeting. The public notice will include a brief description of the meeting topics and specify the time and place.
- The Board may not take final action on any item that is not listed in the public notice.

# Adjournment

- The Board may postpone a portion of any meeting already in progress and reconvene at another time and/or place by adopting a motion to adjourn. The motion must specify where and when the meeting will resume.
- A majority vote of the Board members at a meeting can approve a motion to adjourn even if there is not a quorum present. If all members are absent from a meeting, the Chair or Board staff may adjourn the meeting to a stated time and place.
- Whenever the Board adjourns a meeting, a notice of adjournment shall be conspicuously posted immediately on or near the door of the room where the meeting was held. The notice should include when and where the meeting will resume.

# **Hearing Continuances**

- The Board may continue any hearing to a subsequent meeting by adopting a motion to continue consistent with RCW 42.30.100.
- For rulemaking, the Board must specify the place and time of a continued hearing in the motion to continue consistent with RCW 34.05.325(5).
- The Board must provide notice on the subsequent meeting agenda whether it is continuing public testimony or comment, or whether there will only be Board member discussion and possible action. Based on Board discussion, the Chair may choose to take additional comment or testimony.
- The Board will provide notice of a continuance consistent with RCW 42.30.090.

# Meetings to be Open and Public

- All meetings of the Board, except for executive sessions are open to the public.
- The Board may meet in executive session, and exclude the public only under special circumstances listed in RCW 42.30.110. Before convening in executive session, the Chair will publicly announce the reason for excluding the public and the time when the executive session will end. If the meeting continues beyond the stated time, the Chair must publicly announce the extension and a new ending time.
- The Board may adopt a resolution, rule, order, or directive only in an open public meeting that has been properly noticed.
- The Board shall hold all meetings in facilities that are accessible to individuals with disabilities.
- The Board may not require a member of the public to register his or her name and other information, complete a questionnaire, or perform any other action as a precondition for attending a Board meeting.

# Meetings Interrupted by Group or Groups of Persons

- If the disorderly conduct of a person or group of people makes it impractical to continue a Board meeting, the Chair of the Board should first order that the individuals interrupting the meeting leave the room. If that action fails to restore order, the Chair of the Board can clear the room. It can also adjourn the meeting and reconvene at another place selected by a majority vote of the Board members.
- If the Board clears the room or adjourns to another location, it may only act (vote) on matters that appeared on the approved meeting agenda.
- Representatives of the press or other news media, except those participating in the disturbance, must be allowed to attend even if the room has been cleared or the Board has reconvened elsewhere.
- The Board may determine how it might readmit any individuals who were not disrupting the meeting.

# Meeting Minutes and Agendas

- Board staff shall take written minutes of all regular and special Board meetings. Board staff shall accurately capture the action of the Board on each question, and shall prepare the minutes for Board approval at the next regularly scheduled meeting.
- Board staff shall retain meeting minutes, agendas and materials consistent with record retention schedules and shall then transfer these records to the State archives for permanent retention.
- Board staff shall post a preliminary draft of the agenda for the next regularly scheduled Board meeting on the Board's website at least 14 days prior to meeting.
- Board staff shall post the final proposed agenda for the next regularly scheduled Board meeting on the Board's website at least seven days prior to the meeting.

# ARTICLE III: MEETINGS OF THE BOARD (CONT'D)

# ARTICLE IV: MEETINGS PROCEDURES

- Board staff shall post minutes for the previous Board meeting and materials for the next regular meeting to the website at least five days prior to the next regular Board meeting date.
- Board members should review all posted meeting materials prior to the meeting.
- Minutes approved by the Board shall be made available on the Board's web site and distributed on request within three business days of adoption.
- Public notices and agendas regarding Board meetings shall include a statement that accommodations may be provided with advance written notice to Board staff. The public notice shall include contact information for making such requests.

# **Meeting Attendance**

- All Board and Committee meetings should be attended by at least one member of the Board staff.
- Board staff taking the minutes shall record member attendance.

# Quorum

- A quorum is six (6) members of the Board.
- The Board may discuss issues and deal with administrative matters in the absence of a quorum, but it may adopt any resolution, rule, order, or directive during a meeting only if a quorum is present.
- The Board may entertain a motion to adjourn without a quorum.
- Anyone participating in the meeting, including a member of the public in the audience, may call for a roll call at any time after a quorum has been established. If a quorum is not present at the time of the roll call, no further actions can be taken by the Board unless additional members enter the room and re-establish a quorum.

# Order of Business

• The final agenda will detail the order of business. The Chair has discretion to modify the agenda during the meeting to manage time. The Chair may not eliminate items from the agenda without concurrence of the Board.

# **Public Comment**

- The Board Chair may solicit public comment on any agenda items during regular Board meetings.
- The Chair may determine the amount of time for public comment by each speaker based on the number of speakers, time available, and topics to be addressed.
- All regular meeting agendas shall include an item allowing for public comment. During these public comment periods, speakers may address any issue related to the Board's authority or public health.

# ARTICLE IV: MEETINGS PROCEDURES (CONT'D) ARTICLE V: COMMITTEES OF THE BOARD

# Motions, Resolutions, and Rules

- All Board actions must be expressed by motion.
- To be accepted (passed), a motion must receive a majority of votes of the Board members present to be valid.
- Staff shall record all motions in the minutes.
- In the event that the Board takes an action that directly impacts a specific person or organization (such as a complaint, petition for rulemaking, or request for variance), staff shall notify the person or organization impacted in writing.
- No Board member or staff may use his or her position with the Board to endorse or oppose an issue unless a majority vote of the members of the Board approve of the position on the issue.
- The Board may adopt a policy that authorizes the Chair or a designee to represent the Board on issues before the Legislature.

# Manner of Voting

- All votes, including those for elections, motions, and resolutions shall be voice vote.
- In lieu of voice vote, a Board member may request a roll call or show of hands vote.

# **Rules of Procedure**

- The procedures used to conduct Board business will be determined by these bylaws, the Administrative Procedures Act, the Open Public Meetings Act, and the Board's authorizing statute, Chapter 43.20 RCW.
- If a procedural issue arises that is not covered by these bylaws and applicable state laws, and the Board cannot reach consensus on how to proceed, the Board will follow the procedures contained in the most current version of Robert's Rules of Order.
- Board staff shall provide a copy of Robert's Rules of Order at all Board meetings.

# **Policy Committees**

- The Board may establish policy committees to help execute its work. Committees are advisory in nature and may make recommendations to the Board for Board action.
- Policy committees may consist of up to five Board members who volunteer to serve on the committee. Standing committees do not include members of the public as members.
- Each policy committee must select a Committee Chair.
- The Executive Director shall identify a lead staff person to support each policy committee.
- Board staff shall create a written summary of each policy committee meeting, and shall prepare the summary for policy committee approval at the next committee meeting.
- Board staff shall retain the summary and agendas consistent with record retention schedules, and shall then transfer these records to the State archives for permanent retention.

# Ad Hoc Committees

- The Board may establish Ad-Hoc Committees to fulfill specific tasks.
- Ad-Hoc Committees shall be comprised of members recommended by Board members or staff.
- The committee must disband when it completes its assigned task(s).
- Each Ad-Hoc Committee shall select a Committee Chair unless one is selected by the Board.
- Ad-Hoc Committees may include subject matter experts or members of the public.
- All committee meetings are open and will be conducted as special meetings under the Open Public Meetings Act in accordance with RCW 42.30.080.

# ARTICLE VI: AMENDMENTS

# ARTICLE VII: CONSTRUCTION

# Amendment to the Bylaws

• Board Bylaws may be amended upon a two-thirds majority vote of the Board.

# Liberal Construction of Rules

• The Board will interpret these bylaws in a manner that best protects the public's health and furthers the intents of Chapter 43.20 RCW.

# WASHINGTON STATE

#### 2022 Meeting Schedule

Approved by the Board November 10, 2021

	Meeting Date	Location
Board	Wednesday January 12, 2022	Likely Virtual, TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online.
Board	Wednesday March 9, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online.
Board	Wednesday April 13, 2022	Hold date – meet only if necessary
Board	Wednesday June 8, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online.
Board	Wednesday July 13, 2022	Hold date – meet only if necessary
Board	Wednesday August 10, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online.

Board	Wednesday October 12, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online. (note: possibly co-locate with WSALPHO or EPHD Meeting in mid Oct, date TBD)
Board	Wednesday November 9, 2022	TBD: Virtual Meeting via ZOOM Webinar, hyperlink provided on website and agenda. Public Attendees can pre-register and access the meeting online. (note: possibly co-locate with WSAC & WSALPHO County Leaders Conference in mid-November, date TBD)

Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See the <u>Board of</u> <u>Health Web site</u> and the <u>Health Disparities Council Web site</u> for the most current information. Last updated 11/10/2021



Date: June 8, 2022

To: Washington State Board of Health Members

From: Keith Grellner, Chair

Subject: Rules Hearing—Keeping of Animals, WAC 246-203-130

#### Background and Summary:

Among other powers and duties, RCW 43.20.050 charges the State Board of Health (Board) with authority and duty to "adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains."

The Board's rule on Keeping of Animals, WAC 246-203-130, serves as its cornerstone rule on animal excreta. The rule has not been revised or updated for many decades. While still applicable, the rule is archaic and uses broad or hard to define terms such as "populous districts." Today's public hearing will consider and take public testimony on a proposed rule to update this section of the Board's General Sanitation rules, chapter 246-203 WAC. Please note that the proposed revisions to the Keeping of Animals rule include a proposed title change from Keeping of Animals to Domestic Animal Waste to more accurately reflect Board authority regulating animal excreta.

In 2009, the Board received a petition to amend the rule. The Board denied the specific petition and opted to file a CR-101, Preproposal Statement of Inquiry, to more broadly update the rule. Work on the rule stalled in the ensuing years. In 2018, staff completed a comprehensive background report to help reset and restart the rulemaking. Research, rule writing, and stakeholder outreach helped produce early drafts in 2019. The Board also filed a new CR-101 in late 2019 to better reflect Board policy direction for the project. In 2020, staff circulated a formal draft of the rule for public review and comment that resulted in many changes in rule language. In November 2020, the Board directed staff to file the CR-102, Proposed Rule. Work on the CR-102 package followed in 2021. Staff again briefed the Board on the rulemaking in March 2022. The Board filed the CR-102, Proposed Rule, on March 23, 2022 for public review and comment.

In summary, the proposed rule seeks to modernize the terms and language in the rule to make it easier to understand, and outlines standards to help prevent, control, and abate health hazards and nuisance related to domestic animal waste:

- Avoid unsanitary accumulations of waste in containment areas where animals are housed or held;
- Prevent contamination of other people's property, drinking water sources, and surface water bodies with potential to affect human health;
- Promote safe handling and disposal of non-livestock waste; and
- Promote safe stockpiling of livestock waste.

(continued on the next page)

Washington State Board of Health June 8, 2022 Meeting Memo Page 2

Today's agenda item will first include a presentation by Stuart Glasoe, Board staff, who will provide an overview of the rulemaking and the proposed rule. The presentation will also summarize written public comment received on the proposed rule and staff responses and recommendations for amendments to the proposed rule and the supporting rule analyses. This will be followed by a public hearing allowing additional public testimony on the proposed rule, and finally Board discussion and possible action on the proposed rule.

#### **Recommended Board Actions:**

The Board may wish to consider and amend, if necessary, one of the following motions:

The Board adopts the proposed revisions to WAC 246-203-130, Keeping of Animals, as published in WSR 22-08-003, with any revisions agreed upon at today's meeting. The Board directs staff to file a CR-103, Order of Adoption, and establish an effective date.

OR

The Board does NOT adopt the proposed revisions to WAC 246-203-130, Keeping of Animals, as published in WSR 22-08-003, and directs staff to withdraw the CR-101, Preproposal Statement of Inquiry, as published in WSR 19-21-018.

#### OR

The Board continues discussion of possible adoption of proposed revisions to WAC 246-203-130, Keeping of Animals, as published in WSR 22-08-003, to its next meeting.

#### OR

The Board does NOT adopt the proposed revisions to WAC 246-203-130, Keeping of Animals, as published in WSR 22-08-003, and directs staff to resume work with interested parties, as resources allow, on outstanding concerns with the proposed rule and to consider refiling the revised rule in the future.

#### Staff

Stuart Glasoe

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at <u>kelie.kahler@sboh.wa.gov.</u> TTY users can dial 711. PO Box 47990 • Olympia, WA 98504-7990 360-236-4110 • <u>wsboh@sboh.wa.gov</u> • <u>sboh.wa.gov</u>



# Washington State Board of Health WAC 246-203-130, Keeping of Animals

June 8, 2022

# Stuart Glasoe Policy Advisor



## **Presentation Overview**

- Rulemaking history
- 2018 background report
- Proposed rule
- Comments received & staff recommendations for NO proposed changes
- Comments received & staff recommendations for proposed changes
- Next Steps

# **Rulemaking History**

- 2009:
  - Received rulemaking petition from Washington Association of Conservation Districts.
  - Denied petition and filed CR-101 to explore broader rulemaking.
- 2017-2019:
  - Wrote a background report to reset and restart rulemaking.
  - Filed new CR-101 to reflect updated Board policy direction.
  - Conducted outreach to interested parties, circulated two early drafts for feedback.
- 2020-2022:
  - Distributed formal draft for public review and comment.
  - Developed rule analyses and filed CR-102, Proposed Rule, for public review and comment.

# 2018 Background Report

- Environmental health risks
  - Animal waste handling covers spectrum of activities. Key public health sanitary control.
  - Numerous exposure pathways via direct contact and water and air pollution pathways.
  - Risks occur at all scales. Regional risks correlate with concentration of operations/animals.
- Regulatory structure
  - Programs for large operations—CAFO permit, dairy nutrient program, air regulations.
  - State nonpoint program; other regulatory and non-reg tools; and assorted local codes.
- Board policy direction for rulemaking
  - Focus on animal waste and rely on local public health authority.
  - Avoid duplicating core functions of other regulatory authorities and programs.



# **Proposed Rule**

- Framework:
  - Prevent and control health hazards and nuisance associated with domestic animal waste.
  - Narrow scope and title from Keeping of Animals to Domestic Animal Waste.
  - Apply to everyone.
  - Set standards for people to follow—no ongoing operational implementation.
  - Rely on local control—local health officer enforcement if needed.
- Overarching standards:
  - Regularly collect waste to maintain sanitary conditions in containment areas.
  - Prevent deposition, leaching, and runoff to (1) another person's property, (2) drinking water sources, and (3) surface water bodies with public health risks.

# **Proposed Rule**

- Standards for waste from non-livestock (e.g., dogs and cats):
  - Store in watertight container if held for more than a day.
  - Bag and dispose as solid waste.
- Standards for stockpiled waste from livestock (e.g., horses and cows):
  - Control odors and pests/vectors.
  - Remove at least annually.
  - Set back required distance from drinking water sources.
  - Set back 100' from surface water bodies unless the water body is (1) upgradient or protected by a barrier, or (2) protected by practice(s) that prevent and capture leachate/runoff.
  - Store outside seasonally/frequently flooded areas unless removed prior to flooding.

### Rule language

- Limited comments specific to rule language.
- Many concerns and comments on intent/effect.

#### Enforcement

- Uneven enforcement by local health officers.
- No common protocols for local enforcement.

Regulated agricultural operations

• Rule should exempt facilities inspected and regulated by other agencies.

Delay to form workgroup

- Requests for delay to work on concerns.
- Too many concerns/flaws to adopt rule.

Conflicts with nonregulatory programs

- "New regulatory effort" counterproductive.
- People need assistance, not regulation.

#### Cause Harm and Costs

- Harm farm businesses and communities.
- Exacerbate issues it is trying to resolve.

Unnecessary and Redundant

- Other laws and agencies already fill this role.
- Local health can adopt codes if needed.

Nuisance and Right to Farm

- Conflicts with Right to Farm laws/ordinances.
- Will expose people to needless complaints.

Weakens public health protections

- Narrower scope misses animal keeping impacts.
- Does not go far enough. Not doing our job.

Mixing livestock and non-livestock

- Range of animals/practices too broad.
- Mixing animals ignores different health risks.

Significant Analysis and SBEIS

- Analysis mistake invalidates odor/pest standard.
- Business cost analysis inadequate.

Miscellaneous

- Concerned that rule regulates composting.
- Board should focus on other public health risks.

## Support

- Much needed update with clearer standards.
- Complements other agency roles/authorities.

More stringent standards supersede rule

Preamble to standards, WAC 246-203-130(3).

- Request: Include examples of "more stringent standards" (e.g., DNMP, CAFO permit).
- Rationale: Providing examples of standards will clarify authority and avoid confusion.
- Staff recommend proposed change. [next slide]

# **Recommended Changes to Proposed Rule Language**

## WAC 246-203-130(3)

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. For purposes of these rules, examples of more stringent standards include, but are not limited to, the Dairy Nutrient Management Act, chapter 90.64 RCW, the state Water Pollution Control Act (WPCA), Chapter 90.48 RCW, agricultural activities nuisance law under RCW 7.48.300 -7.48.320, concentrated animal feeding operations permits issued by Department of Ecology under the federal Clean Water Act and/or the WPCA, and fugitive dust or air emission plans approved by Department of Ecology or a local government agency under the Washington Clean Air Act, chapter 70A.15 RCW. Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must: [...]

Exempt diffuse sources

Preamble to standards, WAC 246-203-130(3).

- Request: In list of diffuse sources, change "free range grazing" to "open range grazing."
- Rationale: Free-range grazing is more popularly used as a synonym for organically raised rather than a rangeland management practice.
- Staff recommend proposed change. [next slide]

# **Recommended Changes to Proposed Rule Language**

#### WAC 246-203-130(3)

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Except for free-range grazing open-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must: [...]

Non-livestock waste disposal

So waste is not stockpiled, WAC 246-203-130(3)(c).

- Request: Remove reference to stockpiling from (3)(c) to avoid conflict with the definition of "stockpiling."
- Rationale: The term "stockpiling" means the temporary piling of livestock waste and does not apply to non-livestock waste.
- Staff recommend proposed change. [next slide]

# **Recommended Changes to Proposed Rule Language**

#### WAC 246-203-130(3)(c)

(c) Handle domestic animal waste from nonlivestock as follows so that the waste is not stockpiled:

- (i) Hold the waste in a watertight container if stored for more than one day prior to proper disposal; and
- (ii) Bag and dispose of the waste as solid waste; and [...]

Non-livestock waste disposal

Dispose as solid waste, WAC 246-203-130(3)(c)(ii).

- Request: Add language "unless waste is composted by a licensed compost facility per WAC 173-350-220."
- Rationale: The language helps avoid conflict with commercial composting of non-livestock waste.
- Staff recommend proposed change. [next slide]

# **Recommended Changes to Proposed Rule Language**

### WAC 246-203-130(3)(c)(ii)

(c) Handle domestic animal waste from nonlivestock as follows so that the waste is not stockpiled:

- (i) Hold the waste in a watertight container if stored for more than one day prior to proper disposal; and
- (ii) Bag and dispose of the waste as solid waste, <u>unless waste is composted by a regulated compost facility per</u> <u>WAC 173-350-220</u>; and [...]

Odor/pest control of stockpiles

Odor/pest control of stockpiles, WAC 246-203-130(3)(d)(i).

- Request: The rule/standard violates Right to Farm in RCW 7.48.
- Rationale: Disagree that it violates Right to Farm. However, the standard can be clarified as a performance standard to call for voluntary action with control measures to better fit Right to Farm.
- Staff recommend proposed change. [next slide]

# **Recommended Changes to Proposed Rule Language**

## WAC 246-203-130(3)(d)(i)

(d) Handle domestic animal waste from livestock that is collected and stockpiled for later use or disposal as follows:

(i) Store the waste to control odors and attraction of flies, rodents, and other vectors<u>Apply control measures as</u> reasonable to minimize and reduce odors and attraction of flies and rodents; [...]

#### Enforcement procedure

Enforcement procedure, WAC 246-203-130(4).

- Request: In enforcement, replace "explore the facts" with "seek compliance by education and prevention as a first step."
- Rationale: The language further clarifies process to address a problem. Due process is required under state law.
- Staff recommend proposed change. [next slide.]

# **Recommended Changes to Proposed Rule Language**

### WAC 246-203-130(4)

(4) The local health officer may investigate and enforce this section. Enforcement actions may include any proceeding within the local health officer's statutory authority. Before taking enforcement action the local health officer must attempt to communicate with the person who may be in violation of this section in order to explore the facts and, if the local health officer determines that a violation has occurred, <u>seek voluntary compliance by</u> <u>education and</u> allow the person reasonable time to correct the violation.

#### Supporting rule analyses

Exemption for WAC 246-203-130(3)(d)(i), odor/pest control, in Significant Analysis and SBEIS.

- Request: Standard for odor/pest control is incorrectly referenced/exempted from the supporting analyses and must be removed from the rule.
- Rationale: Agree that the analyses incorrectly exempt the standard and should be corrected. Disagree that the mistake invalidates the standard as rule language.
- Staff recommend proposed change. [next slide]

# **Recommended Changes to Supporting Rule Analyses**

### Signifcant Analysis and SBEIS

The proposed standard in WAC 246-203-130 mirrors but does not incorporate by reference an existing standard in chapter 173-350 WAC. As a result, the Board incorrectly exempted the proposed standard from the rule analyses. The final Significant Analysis and SBEIS documents will be edited to correct the mistake and to incorporate a description and analysis of the proposed standard. As needed, staff will make additional corresponding edits to the final documents to accurately incorporate this information and Board action.

# **Next Steps**

- A public hearing on the proposed rule will follow this presentation.
- Clarifying questions from Board members?



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Twitter/WASBOH

# THANK YOU



To request this document in an alternate format, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102, or by email at <u>kelie.kahler@sboh.wa.gov</u> TTY users can dial 711

CODE REVISER USE ONLY

PROPOSED RULE MAKING



### CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED

DATE: March 23, 2022 TIME: 2:13 PM

WSR 22-08-003

Agency: State Board of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

 $\square$  Preproposal Statement of Inquiry was filed as WSR <u>19-21-018</u>; or

Expedited Rule Making--Proposed notice was filed as WSR ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Proposal is exempt under RCW.

**Title of rule and other identifying information:** (describe subject) WAC 246-203-130, Keeping of Animals. The State Board of Health (Board) is proposing amendments to this section of the General Sanitation rules, chapter 246-203 WAC, to modernize the rule's structure, standards, and language. The proposal includes a title change to Domestic Animal Waste to reflect the focus on animal excreta, or animal waste. The proposal applies to waste from livestock animals such as horses and cattle and waste from non-livestock animals such as dogs and cats. The proposal establishes minimum standards for domestic animal waste to (1) avoid unsanitary accumulations in containment areas; (2) prevent contamination of other people's property, drinking water sources, and surface water bodies with potential to affect human health; (3) promote safe handling and disposal of non-livestock waste; and (4) promote safe stockpiling of livestock waste.

Hearing location(	s):		
Date:	Time:	Location: (be specific)	Comment:
June 8, 2022	1:30 p.m.	In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Board will not provide a physical location for this hearing to promote social distancing and the safety of the citizens of Washington State. A virtual public hearing, without a physical meeting space, will be held instead. Please register in advance for the public hearing for WAC 246-203- 130, Keeping of Animals at: https://us02web.zoom.us/webinar /register/WN_6vqdRyUmTamyb6 1z3wCSBA After registering, you will receive a confirmation email containing information about joining the webinar.	
Date of intended a	adoption: 06/08	I <u>3/2022</u> (Note: This is <b>NOT</b> the <b>effe</b>	L ctive date)
Submit written co	mments to:		
Name: Stuart Glaso	be		
Address: State Bo			

Name: Stuart Glasoe Address: State Board of Health P.O. Box 47990 Olympia, WA 98504-7990

	oposedAnimalWasteRule@sbo	<u>bh.wa.gov</u>	
Fax: N/A			
Other: N/A			
By (date) <u>05/02/20</u>			
	ersons with disabilities:		
Contact Melanie H Phone: 360-236-			
Fax: N/A	3301		
TTY: 711			
	saw@sboh.wa.gov		
Other: N/A	č		
By (date) 06/01/2	022		
minimum standard and disposal of do minimum standard and health risks, v	ds intended to help prevent, co omestic animal waste. The prop ds for the safe handling and dis	ffects, including any changes in existing rules: T ntrol, and abate health hazards and nuisance associa bosal updates and renames the existing rule. The pro sposal of domestic animal waste to prevent and mitiga at the front end of the waste stream when waste is f and disposal).	ated with the handling posal establishes ate human exposure
rules and standar 246-203-130 serv to the 1920s and decades, leaving presents many ch mishandled in way proposal sets anir	ds to prevent, control, and abai res as the Board's rule on the h 30s. Despite its unique niche a a health and sanitation gap in t allenges that are often well-ma ys that create a nuisance or he	50(2)(c) charges the Board with unique responsibility te health hazards and nuisance related to the disposa andling and disposal of animal waste. The language nd authority, the rule has not undergone review or re- he state regulatory structure for animal waste. Dome anaged by people. However, situations arise where w alth hazard and action is needed to address and corr to follow that may be locally enforced by a local heal 050(2)(c)	al of animal waste. WAC of the existing rule dates vision in recent stic animal waste aste accumulates or is rect the problem. The
Statute being im	plemented: RCW 43.20.050(2	)(c)	
Federal Lav			🗌 Yes 🛛 No
	urt Decision?		☐ Yes ⊠ No
State Court			☐ Yes ⊠ No
If yes, CITATION:			
matters: Unlike (e.g., food establis or requirements ( animal hospitals, this rule involves local health office	some Board rules that involve shments, shellfish operations, a e.g., record keeping, routine ins livestock producers and other o no ongoing implementation. Bo rs as defined in each rule. In th	ny, as to statutory language, implementation, enfo ongoing implementation and frontline regulation of fac and drinking water systems), this proposal includes n spections, and permitting) of facilities such as dog ker operations involved in the handling and disposal of ar ward rules are enforced by either the Washington Dep is proposal, the Washington Department of Health pla solely with local health officers.	cilities and systems o operational functions nnels, horse stables, nimal waste. As such artment of Health or
Name of propon	ent: (person or organization)	State Board of Health	
			☐Public ⊠Governmental
Name of agency	personnel responsible for:		
	Name	Office Location	Phone
Drafting:	Stuart Glasoe	111 Israel Road S.E., Tumwater, WA 98501	360-236-4111
Implementation:	Stuart Glasoe	111 Israel Road S.E., Tumwater, WA 98501	360-236-4111
Enforcement:	Local Health Officers	varied statewide	varied statewide
Is a school distri	ict fiscal impact statement re	quired under RCW 28A.305.135?	🗌 Yes 🛛 No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:
Is a cost-benefit analysis required under RCW 34.05.328?
Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name: Stuart Glasoe
Address: State Board of Health
PO Box 47990
Olympia, WA 98504-7990
Phone: 360-236-4111
Fax: N/A
TTY: 711
Email: stuart.glasoe@sboh.wa.gov
Other: N/A
No: Please explain:

Regulatory Fairness Act Cost Considerations for a Sma	all Busine	ess Economic Impact Statement:		
This rule proposal, or portions of the proposal, <b>may be exe</b> chapter 19.85 RCW). Please check the box for any applicat				
This rule proposal, or portions of the proposal, is exemp adopted solely to conform and/or comply with federal statute regulation this rule is being adopted to conform or comply w adopted.	e or regul	ations. Please cite the specific federal statute or		
Citation and description: This rule proposal, or portions of the proposal, is exemption				
defined by RCW 34.05.313 before filing the notice of this pr This rule proposal, or portions of the proposal, is exemp adopted by a referendum.	•			
$\square$ This rule proposal, or portions of the proposal, is exemp	ot under F	CW 19.85.025(3). Check all that apply:		
□ RCW 34.05.310 (4)(b)		RCW 34.05.310 (4)(e)		
(Internal government operations)		(Dictated by statute)		
<ul> <li>□ RCW 34.05.310 (4)(c)</li> </ul>		RCW 34.05.310 (4)(f)		
(Incorporation by reference)		(Set or adjust fees)		
RCW 34.05.310 (4)(d)		RCW 34.05.310 (4)(g)		
(Correct or clarify language)	_	((i) Relating to agency hearings; or (ii) process		
		requirements for applying to an agency for a license or permit)		
This rule proposal, or portions of the proposal, is exemp	ot under F	CW.		
Explanation of exemptions, if necessary: The following sect of a Washington state rule: WAC 246-203-130(3)(d)(i), cont WAC 246-203-130(3)(d)(ii), limits storage of stockpiled lives siting stockpiled livestock waste one hundred feet or more f siting stockpiled livestock waste two hundred feet or more ful 130(3)(d)(iii)(C), requires siting stockpiled livestock waste o	rol of odc stock was rom a drii rom a pub	rs and attraction of flies, rodents, and other vectors; te to one year; WAC 246-203-130(3)(d)(iii)(A), requires hking water well; WAC 246-203-130(3)(d)(iii)(B), requires blic drinking water spring; and WAC 246-203-		
The following amendments are clarifying, without changing the effect of the rule: WAC 246-203-130(1), establishes the purpose and applicability of the rule; WAC 246-203-130(2), establishes the definitions of terms used in the rule; WAC 246-203-130(3), preface only, introduces the standards of the rule, defers to more stringent standards in law, and excludes certain diffuse practices; WAC 246-203-130(3)(b)(ii), requires the handling of domestic animal waste to prevent contamination of drinking water sources, which clarifies existing language of the rule without changing its effect; WAC 246-203-130(3)(c), introduces the standards of the subdivision and precludes stockpiling non-livestock waste; WAC 246-203-130(3)(d)(iii)(D)(I) is interpretive language that clarifies that the setback standard does not apply when surface water bodies are upgradient or protected by a levee or other physical barrier; and WAC 246-203-130(4) establishes structure and authority of local health officers to investigate and enforce violations of the rule.				
COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES				
If the proposed rule is <b>not exempt</b> , does it impose more-tha	an-minor	costs (as defined by RCW 19.85.020(2)) on businesses?		
□ No Briefly summarize the agency's analysis show	ing how c	osts were calculated.		
Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here: The purpose of this rulemaking is to modernize <u>WAC 246-203-130</u> , Keeping of Animals, a long-standing Washington State				

The purpose of this rulemaking is to modernize <u>WAC 246-203-130</u>, Keeping of Animals, a long-standing Washington State Board of Health (Board) rule with language dating back to the 1920s and 30s. This rule is one section of Board rules on General Sanitation, <u>chapter 246-203 WAC</u>, covering such issues as nuisance, piggeries, disposal of dead animals, and use of common cup and towel. The chapter was codified as Washington Administrative Code (WAC) in 1960, followed by administrative recodification in 1991. Despite its unique niche and authority, the rule has not undergone review or revision in recent decades while other related laws and regulations have been enacted, leaving a health and sanitation gap in the state regulatory structure for domestic animal waste.

In 2009, the Board received a petition from the Washington Association of Conservation Districts to amend the rule. The Board denied the specific petition and opted to file a CR-101 Preproposal Statement of Inquiry (<u>WSR 09-17-132</u>) to more broadly update the rule. The rulemaking stalled and ultimately resumed in 2017. In 2018, Board staff completed a background

report<sup>1</sup> to help guide the rulemaking and restarted work on the rule with emphasis on stakeholder outreach, research, and rule writing. In fall 2019, the Board filed a new CR-101, <u>WSR 19-21-018</u>, to better align the rulemaking with Board policy direction. In early 2020, the Board distributed a draft rule for public review, processed the feedback, and revised the draft. In November 2020, staff updated the Board on the rulemaking. The Board directed staff to file a CR-102, Proposed Rulemaking.

Domestic animal waste presents many challenges that are often well-managed by people. However, situations arise where waste accumulates or is mishandled in ways that create a nuisance or health hazard and action is needed to address and correct the problem. The proposed rule establishes minimum standards intended to help prevent, control, and abate health hazards and nuisance associated with the handling and disposal of domestic animal waste. This includes waste from livestock such as horses and cattle, and waste from non-livestock such as dogs and cats.

The proposed rule includes standards to:

- Avoid unsanitary accumulations of waste in containment areas;
- Prevent contamination of other people's property, drinking water sources, and surface water bodies with potential to affect human health;
- Promote safe handling and disposal of non-livestock waste; and
- Promote safe stockpiling of livestock waste.

The proposed rule is not an operational Board rule involving ongoing implementation and frontline regulation of facilities and systems (e.g., Board rules for food establishments, shellfish operations, water recreation facilities, on-site sewage systems, and drinking water systems). Instead, like the companion sanitation rule on disposal of dead animals (<u>WAC 246-203-121</u>), this proposed rule sets animal waste standards for people to follow that may be locally enforced by a local health officer if needed.

The proposed rule aims to focus squarely on domestic animal waste. It intersects other rules and practices associated with solid waste and manure management but largely stops short of waste and beneficial-use streams regulated by other agencies. Due to the narrow focus on animal waste, the rule includes a proposed title change from Keeping of Animals to Domestic Animal Waste to more accurately reflect and implement Board authority regulating animal excreta.

Costs complying with the proposed rule apply only to businesses not already meeting the standards, and are limited to the incremental cost of complying, not the total cost of animal waste handling and disposal. For such businesses, professional services may include waste collection and disposal, engineering and other technical assistance changing waste handling and manure management practices to prevent contamination of properties and water resources, and technical assistance changing stockpiling practices or possibly converting to alternate waste storage practices.

The following North American Industry Classification System (NAICS) codes identify the types of businesses that are required to comply with the proposed rule along with the calculated minor cost thresholds.<sup>2,3</sup>

<u>NAICS Code 541940</u>, Description "Veterinary Services", *#* of businesses in WA "970", Minor Cost Threshold (MCT) (1% average annual payroll) "\$5,775.24", MCT (0.03% annual receipts) "\$4,209.02"

<u>NAICS Code 812910</u>, Description "Pet Care Services", # of businesses in WA "1,696", Minor Cost Threshold (MCT) (1% average annual payroll) "\$1,489.05", MCT (0.03% annual receipts) "\$402.47"

NAICS Code 453910, Description "Pet and Pet Supplies Stores", # of businesses in WA "301", MCT (1% average annual payroll) "\$3,453.20", MCT (0.03% annual receipts) "\$5,022.53"

<u>NAICS Code 562111</u>, Description "Solid Waste Collection", # of businesses in WA "190", MCT (1% average annual payroll) "\$11,022.24", MCT (0.03% annual receipts) "\$26,702.06"

<u>NAICS Code 713990</u>, Description "All Other Amusement and Recreation Industries"<sup>4</sup>, # of businesses in WA "1,130", MCT (1% average annual payroll) "\$1,817.98", MCT (0.03% annual receipts) "\$1,142.49"

NAICS Code 611620, Description "Sports and Recreation Instruction"<sup>5</sup>, # of businesses in WA "1,075", MCT (1% average annual payroll) "\$1,451.98", MCT (0.03% annual receipts) "\$633.96"

NAICS Code 1121, Description "Cattle Ranching and Farming", # of businesses in WA "534", MCT (1% average annual payroll) "\$3,657.58", MCT (0.03% annual receipts) "\$3,864.14"

<sup>&</sup>lt;sup>1</sup> Washington State Board of Health. 2018. <u>Keeping of Animals Background and Policy Recommendations of the Washington State Board</u> of Health for Revising WAC 246-203-130.

<sup>&</sup>lt;sup>2</sup> U.S. Census Bureau, <u>North American Industry Classification System</u> (NAICS).

<sup>&</sup>lt;sup>3</sup> Governor's Office for Regulatory Innovation and Assistance, Regulatory Fairness Act Tools & Guidance, <u>Minor Cost Threshold</u> <u>Calculator</u>.

<sup>&</sup>lt;sup>4</sup> Includes recreational riding, horse rentals, and outfitters

<sup>&</sup>lt;sup>5</sup> Includes horse riding instruction and academies.

NAICS Code 1122, Description "Hog and Pig Farming", # of businesses in WA "9", MCT (1% average annual payroll) "redacted", MCT (0.03% annual receipts) "\$169.89"

<u>NAICS Code 1123</u>, Description "Poultry and Egg Production", # of businesses in WA "46", MCT (1% average annual payroll) "\$5,316.15", MCT (0.03% annual receipts) "\$10,431.86"

<u>NAICS Code 1124</u>, Description "Sheep and Goat Farming", # of businesses in WA "36", Minor Cost Threshold (MCT) (1% average annual payroll), "redacted", MCT (0.03% annual receipts) "\$586.22"

<u>NAICS Code 112920</u>, Description "Horse and Other Equine Production", *#* of businesses in WA "50", MCT (1% average annual payroll) "\$621.54", MCT (0.03% annual receipts) "\$359.84"

NAICS Code 112990, Description "All Other Animal Production"<sup>6</sup>, # of businesses in WA "171", MCT (1% average annual payroll) "\$499.58", MCT (0.03% annual receipts) "\$468.09"

<u>NAICS Code 112930</u>, Description "Fur-Bearing Animal and Rabbit Production", # of businesses in WA "6", MCT (1% average annual payroll) "\$99.20", MCT (0.03% annual receipts) "\$245.06"

NAICS Code 115210, Description "Support Activities for Animal Production"<sup>7</sup>, # of businesses in WA "628", MCT (1% average annual payroll) "\$925.53", MCT (0.03% annual receipts) "\$416.80"

<u>NAICS Code 424520</u>, Description "Livestock Merchant Wholesalers", # of businesses in WA "15", MCT (1% average annual payroll) "\$2,415.61", MCT (0.03% annual receipts) "\$4,366.41"

NAICS Code 424590, Description "Other Farm Product Raw Material Merchant Wholesalers"<sup>8</sup>, # of businesses in WA "26", MCT (1% average annual payroll) "\$3,684.24", MCT (0.03% annual receipts) "\$6,733.79"

The following is an analysis of the probable cost of compliance, identifying the probable costs to comply with the proposed rule, including cost of equipment, supplies, labor, professional services and increased administrative costs; and whether compliance with the proposed rule will cause businesses to lose sales or revenue.

#### **Cost Survey**

The Board developed a cost survey of Washington businesses to determine if they face any new costs as a result of this proposed rule and if so to then identify and describe one-time costs and recurring annual costs to comply with the significant standards of the proposed rule. Potential costs include equipment, supplies, material, labor, professional services, increased administration, and other costs. One-time costs are costs that occur only once, such as a one-time purchase of equipment. Annual costs are costs that occur on a recurring basis once per year. Recurrent costs are costs that occur multiple times for a specified interval.

Board staff twice distributed the cost survey via e-mail to Washington businesses covering 16 North American Industry Classification System (NAICS) codes. The survey went to 800 Washington businesses in the first distribution followed by 1,000 businesses in the second distribution. The second distribution included the original 800 businesses. The survey covered such businesses as horse stables, livestock producers, dog kennels/groomers, animal hospitals, animal breeders, livestock markets, and equestrian centers. The Board posted the cost survey on its rulemaking webpage for a total of six weeks. The Board asked approximately 30 organizations and one state agency to help distribute the survey to raise awareness of the rulemaking and to get broader reach with the survey.

The Board received a total of 41 responses to the cost survey. Cost survey results included 4 businesses that identified cost impacts, 24 businesses that indicated no costs, and 13 with unspecified responses. <sup>9</sup> In total, 37 of 41 respondents identified no cost impact or provided no cost information. Table 1 presents a summary of survey responses and the range of cost impacts for the individual proposed standards. Overall, respondents indicated applicable, potential costs for six of seven proposed standards included in this analysis. Cost impacts of individual proposed standards are discussed after the table.

In the following discussion of cost impacts, a cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for miscellaneous compliance needs. The Board was unable to determine whether the respondent was indicating an estimate of overall cost impacts of the proposed rule or cost impacts of individual proposed standards. The Board considered the costs in the cost/benefit analysis in compliance with RCW 34.05.328 for significant legislative rules, also referred to as a Significant Analysis. The Board considered the costs only once in the Significant Analysis and in each section of this Small Business Economic Impact Statement (SBEIS) but notes that this could be duplication of costs and a potential overestimate of costs to comply with individual standards.

<sup>&</sup>lt;sup>6</sup> Includes dog, cat, alpaca, llama, bison production and breeding.

<sup>&</sup>lt;sup>7</sup> Includes horse boarding and training.

<sup>&</sup>lt;sup>8</sup> Includes horses and mules.

<sup>&</sup>lt;sup>9</sup> Includes responses that, for example, did not return the cost survey, did not specify dollar amounts, or provided non-specific comments (e.g. "not sure how it would impact me").

Table 1: Cost	t <u>survey response sum</u>	mary				
	Number of					
	businesses					
	contacted	1,000				
	Number of survey					
	responses	41				
	Number of surveys					
	indicating costs	4				
	Number of surveys					
	indicating no costs	24				
	Number of surveys					
	with unspecified					
	responses	13				
		10	First year cos	t to comply with		
				sed rule <sup>10</sup>		
		# Survey	· · ·			>
	Proposed Standard	Respondents	Low Cost	High Cost	MCT <sup>11</sup>	<b>MCT</b> <sup>12</sup>
	WAC 246-203-					
	130(3)(a)					
	Collect waste in					
	containment areas	4	\$500	\$116,000	\$169.89	Y
	WAC 246-203-					
	130(3)(b)(i) and (iii)					
	Do not contaminate					
	properties, surface					
	water bodies	2	\$2,500	\$75,000	\$169.89	Y
	WAC 246-203-					
	130(3)(c)(i)					
	Safely store non-					
	livestock waste	0	no cost	no cost	N/A	Ν
	WAC 246-203-					
	130(3)(c)(ii)					
	Bag/dispose non-					
	livestock waste as					
	solid waste	1	\$100	\$100	\$568.22	Ν
	WAC 246-203-		<i></i>	¥	+	. •
	130(3)(d)(iii)(D)					
	Stockpile livestock					
	waste > 100 feet of					
	surface water body	2	\$2,500	\$260,000	\$169.89	Y
	WAC 246-203-	-	Ψ <u></u> ,000	<i>~</i> _00,000	÷.00.00	
	130(3)(d)(iii)(D)(II)					
	Allow livestock					
	waste stockpile <					
	100 feet of surface					
	water body if					
	mitigated by					
	practice(s)	2	\$2,500	\$114,000	\$169.89	Y
	WAC 246-203-	<u> </u>	ψ2,300	ψτι <del>τ</del> ,000	ψ103.03	I
	130(3)(d)(iii)(E)					
	Remove livestock					
	waste stockpile prior		¢0.500	<b>ФО</b> Т БОО	¢100.00	V
	to flooding	2	\$2,500	\$27,500	\$169.89	Y

<sup>&</sup>lt;sup>10</sup> Costs are not intended to be summed across rows but analyzed individually and in some cases represent costs to different businesses. First year cost to comply with proposed rule is presented per survey respondent and is the summation of the first year of annual recurrent cost plus one-time cost.

<sup>&</sup>lt;sup>11</sup> Derived from the lowest "minor cost threshold" (MCT) for the affected industry(s). Respondents self-identified their NAICS industry code(s). The value listed in this column is the lowest MCT for those affected industries.

<sup>&</sup>lt;sup>12</sup> Derived by comparing the highest cost impact to a business with the lowest MCT.

### WAC 246-203-130(3)(a) Collect domestic animal waste at intervals sufficient to maintain sanitary conditions in containment areas.

<u>Description</u>: This proposed standard requires people to collect animal waste frequently enough to avoid unsanitary accumulations in containment areas. The rule defines "containment areas" as areas where domestic animals are held, housed, or kept for a period of time, including but not limited to stables, corrals, confinement areas, kennels, pens, and yards. The proposed standard applies to waste from livestock and non-livestock animals.

<u>Cost</u>: Most survey respondents (37/41) indicated no cost impacts for this proposed standard. Four survey respondents identified cost impacts. A sheep/goat farming facility identified a recurring annual cost of \$500 for labor, fuel, and equipment. A pig farming/wholesale facility identified a one-time cost of \$58,000 and recurring annual costs of \$58,000 for unidentified needs and concerns related to compliance/enforcement. A horse boarding/riding/instruction facility identified a past one-time cost of \$9,000 to remove a manure pile and ongoing manure disposal costs of \$5,000/month to comply with county regulation (no indication of new costs). And a cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

Staff research for the cost-benefit analysis of the Significant Analysis identified potential incremental costs for equipment, supplies, and labor depending on the situation, waste volumes, and other factors. Equipment needs, for example, range from small-scale tools and equipment such as shovels, buckets and spreaders that run less than \$100 to \$1,000s, to large scale industrial equipment such as tractors and related attachments that can exceed \$100,000.<sup>13</sup>

# WAC 246-203-130(3)(b) Handle domestic animal waste to prevent deposition, leaching, and runoff to (i) another person's property, and (iii) surface water bodies used for swimming, shellfish harvesting, or other activity with potential to affect human health.

<u>Description</u>: The proposed standards require people to handle animal waste to prevent deposition, leaching, and runoff to another person's property and to surface water bodies where there are activities/uses with potential to affect public health. The proposed standards are addressed jointly because the many associated practices, pollution pathways, and possible impacts are nearly identical. The proposed standards would typically apply to neighboring properties and surface water bodies, but conceivably could apply more widely depending on transport mechanisms such as wind and water. The proposed standards apply broadly to animal waste handling and are not limited to practices listed in the rule.

<u>Cost</u>: Most survey respondents (39/41) indicated no cost impacts for the proposed standards. Two survey respondents identified cost impacts. A pig farming/wholesale facility identified a one-time cost of \$48,000 and recurring annual costs of \$27,000 for unidentified needs and concerns related to legal counsel and agency consultations. And a cattle/dairy farming facility identified a one-time cost of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

Staff research for the cost-benefit analysis of the Significant Analysis determined that potential incremental costs for the proposed standards are indeterminate, case-by case given that they potentially involve numerous waste handling practices and pollution pathways.<sup>13</sup>

### WAC 246-203-130(3)(c)(i) Hold non-livestock waste in a watertight container if stored for more than one day prior to proper disposal.

<u>Description</u>: This proposed standard requires people to hold waste from non-livestock animals in a watertight container, such as plastic bags and enclosed trash bins, if stored for more than a day prior to disposal.

<u>Cost</u>: In the cost survey, no respondents indicated costs associated with this proposed standard. However, one dog boarding facility noted potential costs if required to purchase special waste bins or dumpsters to replace existing waste bins provided by its private waste disposal company. Staff research for the cost-benefit analysis of the Significant Analysis determined that potential costs are equipment, supplies, and labor. Trash bins and bags are generally less than \$100 in one-time costs and require periodic replacement of bins. Total cost depends on waste volumes and holding needs.<sup>13</sup>

#### WAC 246-203-130(3)(c)(ii) Bag and dispose of non-livestock waste as solid waste.

Description: This proposed standard requires people to bag and dispose of waste from non-livestock animals as solid waste.

<sup>&</sup>lt;sup>13</sup> Washington State Board of Health. 2021. Significant Legislative Rule Analysis, WAC 246-203-130, a Rule Concerning Keeping of Animals, Revising the Section Title to Domestic Animal Waste.

<u>Cost</u>: Most survey respondents (40/41) indicated no cost impacts for this proposed standard. One survey respondent identified cost impacts. A goat/sheep farming facility identified a recurring annual cost of \$100 for bags and collection labor. The proposed standard does not apply to goat, sheep, and other livestock waste, so the Board assumes this cost estimate is for waste from non-livestock associated with the business or business owner.

The Board assumes nominal costs as most businesses already meet the proposed standard. Staff research for the costbenefit analysis of the Significant Analysis determined that potential incremental costs are disposal services, equipment, supplies, and labor. Solid waste disposal options include curbside collection and self-haul landfill service. Rates vary and are generally less than \$100 for monthly residential service, more for commercial service. Total costs depend mainly on disposal rates and waste volumes.<sup>13</sup>

### WAC 246-203-130(3)(d)(iii)(D) Site stockpiled livestock waste one hundred feet or more from a surface water body. (see exception that follows)

<u>Description</u>: If waste from livestock is stockpiled for later use or disposal, this standard requires people to site the stockpile one hundred feet or more from a surface water body. The standard assumes unmitigated stockpiling on bare ground on a short-term basis between collection and use.

<u>Cost</u>: Most survey respondents (39/41) indicated no cost impacts for this proposed standard. Two respondents identified cost impacts. A pig farming/wholesale facility identified a one-time cost of \$210,000 and recurring annual costs of \$50,000 for needs and concerns related to constructing a manure lagoon or selling land to comply with the standard. While a landowner may choose to comply in this manner, the proposed standard applies to stackable waste (not lagoon storage) and allows reductions to the setback if control/treatment practices are applied. Therefore, the Board anticipates that the cost impacts will likely be lower than estimated. And a cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

Staff research for the cost-benefit analysis of the Significant Analysis determined that potential incremental costs for this proposed standard are indeterminate, case-by-case, affecting people who stockpile livestock waste near surface water bodies or plan to do so in the future.<sup>13</sup>

# WAC 246-203-130(3)(d)(iii)(D)(II) Site stockpiled livestock waste one hundred feet or more from a surface water body unless the surface water body is protected by one or more control or treatment practices that capture and prevent leachate and runoff.

<u>Description</u>: If waste from livestock is stockpiled for later use or disposal, this exception to WAC 246-203-130(3)(d)(iii)(D) allows reduction of the 100-foot setback from surface water bodies when treatment or control practices are applied to mitigate runoff and leachate. The proposed standard allows people to determine the appropriate practice(s), and existing, functioning controls satisfy this proposed standard.

<u>Cost</u>: Most survey respondents (39/41) indicated no cost impacts for this proposed standard. Two respondents identified cost impacts. A pig farming/wholesale facility identified a one-time cost of \$95,000 and recurring annual costs of \$19,000 for needs and concerns related to engineering services, local permitting, and legal counsel. And a cattle/dairy farming facility identified a one-time cost of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

Staff research for the cost-benefit analysis of the Significant Analysis determined that potential incremental costs are equipment, materials, and labor to install and maintain alternate practices to mitigate runoff and leachate from stockpiles. Optional practices range from storage pads and covers to stacking and composting structures. Costs range broadly (\$100s to \$1,000s and up) depending on the practice(s), waste volumes, and other factors.<sup>13</sup>

### WAC 246-203-130(3)(d)(iii)(E) Site stockpiled livestock waste outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

<u>Description</u>: If waste from livestock is stockpiled for later use or disposal, this proposed standard prohibits siting stockpiles in seasonally or frequently flooded areas unless the stockpile is used or disposed of prior to flooding to prevent saturation and inundation of stockpiles.

<u>Cost</u>: Most survey respondents (39/41) indicated no cost impacts for this proposed standard. Two respondents identified cost impacts. A pig farming/wholesale facility identified a one-time cost of \$17,000 and recurring annual costs of \$10,500 for needs and concerns related to inefficient and unscheduled movement of stockpiles. And a cattle/dairy farming facility identified a one-time cost of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

The Board assumes nominal costs for businesses already using or disposing such piles. Staff research for the cost-benefit analysis of the Significant Analysis determined that costs to remove/reuse stockpiles are indeterminate, case-by-case. Where possible, stockpiles are generally managed/recycled on site. Costs for off-site movement generally involve higher costs for loading, transport, and disposal. Sample disposal costs range between \$38 and \$168 per ton.

#### **Summary of Compliance Costs**

The proposed standards involve practices that the Board believes most businesses already do when handling and disposing domestic animal waste. Results of the cost survey support this with 37 of 41 responses across industries specifically identifying no cost impact or not indicating any cost impact. Of the 4 responses that identified cost impacts, 1 response identified past and existing costs that would be unaffected by the proposed rule, and 3 responses identified new costs to comply with the proposed rule.

In instances where additional work is needed to comply with the proposed standards, there may be costs for equipment, supplies, material, and labor to regularly collect and safely store and dispose of animal waste to prevent or abate health hazards and nuisance. For large-scale operations, the volume of waste and the related management challenges and cost impacts are potentially much higher. The overall incremental cost impact of the proposed rule is indeterminate for properties and operations statewide and would be unique in each situation.

#### Loss of Sales or Revenue

There is no evidence or indication that the proposed rule will result in loss of sales or revenue.

#### **Minor Cost Analysis**

The minor cost thresholds for the businesses identified above range from a high of \$26,702.06 (.003 of annual receipts of solid waste collection) to a low of \$169.89 (.003 of annual receipts of hog and pig farming). Based on the analysis above the rule will impose more than minor costs on businesses potentially impacted by this proposed rule.

#### **Disproportionate impact**

Cost information from the cost survey is limited and is supported by additional cost information from the cost-benefit analysis of the Significant Analysis. Costs, outlined above and in the Board's Legislative Cost/Benefit Significant Analysis, apply to businesses of all sizes across a range of industries that involve animal waste handling and disposal. Based on the available information, the Board believes the proposed rule will likely have a disproportionate impact on small businesses.

#### Steps taken to reduce the costs of the rule on small businesses

Most businesses already meet the basic standards and practices outlined in the proposed rule as evidenced by 37 of 41 survey responses indicating no cost impacts. For those that do not already meet the proposed standards there may be new costs to comply with the proposed rule. The Board will provide information to address a significant misconception and explain the fact that the proposed rule does not include any operational functions or requirements that could generate or increase costs for businesses, such as record keeping, routine inspections, permitting, and reporting.

#### Small business involvement

The Board worked with numerous, agencies, individuals and organizations during the stakeholdering and rule-drafting stages—many representing affected businesses and small businesses. The rule writing involved two in-person stakeholder meetings and review of informal versions followed by distribution of a public review draft aimed at soliciting broader stakeholder feedback. As described in Section 3 of this SBEIS, the cost survey was distributed broadly to 1,000 businesses and numerous associations to help raise awareness of the rulemaking and to invite feedback on cost impacts of the proposed rule.

#### Estimated number of jobs that will be created or lost as the result of compliance with the proposed rule.

There is no evidence that any jobs will be created or lost as a result of compliance with the proposed rule.

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Stuart Glasoe Address: PO Box 47990, Olympia, WA 98504-7990 Phone: 360-236-4111 Fax: 360-236-4088 TTY: 711 Email: stuart.glasoe@sboh.wa.gov Other: N/A 
 Date: March 23, 2022
 Signature:

 Name: Michelle A. Davis
 Michelle A. Davis

 Title: Executive Director
 Michelle A. Davis

AMENDATORY SECTION (Amending WSR 91-02-051, filed 12/27/90, effective 1/31/91)

WAC 246-203-130 ((Keeping of animals.)) Domestic animal waste. (((1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.

(2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.

(3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.)) (1) A person may not keep or shelter animals in such a manner that the domestic animal waste creates a nuisance or health hazard. The purpose of this section is to establish standards for the prevention, control, and abatement of health hazards and nuisance detrimental to human health related to the disposal of domestic animal waste, including handling and storage of domestic animal waste, as described in subsection (3) of this section.

(2) The following definitions apply throughout this section unless the context clearly indicates otherwise.

(a) "Containment area" means an area where domestic animals are held, housed, or kept for a period of time and includes, but is not limited to, stables, corrals, confinement areas, kennels, pens, and yards.

(b) "Domestic animal" means an animal domesticated to live and breed in a tame condition under the care of humans. Domestic animal includes livestock and nonlivestock such as dogs and cats.

(c) "Domestic animal waste" means excreta from a domestic animal and includes associated wash water, feed, and bedding soiled with the excreta.

(d) "Health hazard" includes any organism, chemical, condition, or circumstance that poses a direct and immediate risk to human health.

(e) "Livestock" means domestic animals raised for use or for profit, especially on a farm, and includes horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, and game birds.

(f) "Local health officer" means the legally qualified physician appointed as a health officer pursuant to chapter 70.05, 70.08, or 70.46 RCW, or an authorized representative.

(g) "Nuisance" includes an act or omission that harms, endangers, or interferes with the health or safety of another person.

(h) "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.

(i) "Sanitary" means of or relating to conditions that affect hygiene and health, especially relating to cleanliness and other precautions against disease.

(j) "Stockpiling" means the temporary piling of domestic animal waste from livestock prior to use or disposal. Stockpiling does not

include active composting or lagoon storage of domestic animal waste from livestock.

(k) "Surface water" means a body of water open to the atmosphere and subject to surface runoff including, but not limited to, lakes, ponds, streams, rivers, and marine waters.

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must:

(a) Collect domestic animal waste at intervals sufficient to maintain sanitary conditions in containment areas;

(b) Handle domestic animal waste to prevent deposition, leaching, and runoff to:

(i) Another person's property;

(ii) Drinking water sources; and

(iii) Surface water bodies used for swimming, shellfish harvesting, or other activity with potential to affect human health;

(c) Handle domestic animal waste from nonlivestock as follows so that the waste is not stockpiled:

(i) Hold the waste in a watertight container if stored for more than one day prior to proper disposal; and

(ii) Bag and dispose of the waste as solid waste; and

(d) Handle domestic animal waste from livestock that is collected and stockpiled for later use or disposal as follows:

(i) Store the waste to control odors and attraction of flies, rodents, and other vectors;

(ii) Store the waste no longer than one year; and

(iii) Site the stockpile:

(A) One hundred feet or more from a drinking water well;

(B) Two hundred feet or more from a public drinking water spring;

(C) Outside the sanitary control area of a public drinking water source if different from the areas set forth in (d)(iii)(A) and (B) of this subsection;

(D) One hundred feet or more from a surface water body unless:

(I) The surface water body is upgradient or is protected by a levee or other physical barrier; or

(II) The surface water body is protected by one or more control or treatment practices that capture and prevent leachate. Practices include, but are not limited to, storage pads, covers, storage structures, and filter strips; and

(E) Outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

(4) The local health officer may investigate and enforce this section. Enforcement actions may include any proceeding within the local health officer's statutory authority. Before taking enforcement action the local health officer must attempt to communicate with the person who may be in violation of this section in order to explore the facts and, if the local health officer determines that a violation has occurred, allow the person reasonable time to correct the violation.

#### Summary of Public Comments WAC 246-203-130, Keeping of Animals

The following is a summary of comments and staff responses to those comments on the State Board of Health's (Board) proposed rule for Keeping of Animals, WAC 246-203-130, filed as WSR 22-08-003. The actual public comments are available in a companion PDF document. The comments are grouped into two separate tables. The first table includes comments where staff recommend changes to the proposed rule and supporting analyses. The second includes comments where staff recommend no changes to the proposed rule and supporting analyses. The second table also organizes comments by themes. In some cases, closely associated comments are listed jointly, separated by a forward slash (/).

Recommended Changes to Proposed Rule Language					
Item	Comment Summary	<b>Response &amp; Recommendation</b>			
WAC 246-203-130(3) Minimum standards preface, exempt diffuse activities: "Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste"	What does the term "free-range grazing" mean? Free-range grazing is more popularly used as a synonym for organically raised rather than a rangeland management practice. Recommend replacing free-range grazing with open-range grazing or pasture grazing.	<b>Proposed Change.</b> Staff agree and recommend changing the term "free range grazing" to "open-range grazing" as an example of a diffuse source of animal waste.			
WAC 246-203-130(3)(c)(ii) Non-livestock waste disposal: "Bag and dispose of the waste as solid waste"	Edit as follows "Bag and dispose of the waste as solid waste <u>, unless waste is</u> <u>composted by a licensed compost facility</u> <u>per WAC 173-350-220;</u> "	<b>Proposed Change.</b> Staff agree and recommend adding a clarifying edit to avoid conflicting with commercial composting of non-livestock waste. However, staff recommend changing "licensed compost facility" to "regulated compost facility" to better fit application of the solid waste rules.			
WAC 246-203-130(3)(d)(i) Livestock waste stockpiling: "Store the waste to control odors and attraction of flies, rodents, and other vectors;"	The proposed rule violates the state's Right to Farm law. RCW 7.48.305 states that "agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity or practice has a substantial adverse effect on public health and safety." The proposed rule has no qualifying language such as this. Rather it provides a broad requirement that the stored waste must be managed to control odors, whether a public health issue has been determined to exist. Is the premise behind the proposed rule that any and all odors present a public health risk? Nothing in your documentation cites any scientific research, or state and federal laws to	<b>Proposed Change</b> . Staff do not believe the rule violates the Right to Farm law but acknowledge the law and recommend a clarifying edit to "Apply control measures as reasonable to minimize and reduce odors and attraction of flies and rodents." This would better position the standard as a performance standard that calls for voluntary actions to control odors and pests to the extent practical and reasonable.			

WAC 246-203-130(4)	RCW 7.48.310, also part of the Right to Farm law, includes odors as a normal, acceptable condition related to agricultural activities. In enforcement, replace "explore the	Proposed Change: Staff
Enforcement	facts" with "seek compliance by education and prevention as a first step"	recommend the following clarifying edit: "Before taking enforcement action the local health officer must attempt to communicate with the person who may be in violation of this section in order to explore the facts, and, if the local health officer determines that a violation has occurred, <u>seek voluntary</u> <u>compliance by education and</u> allow the person reasonable time to correct the violation."
Recommended Changes	s to Supporting Rule Analyses	
Significant Analysis / SBEIS WAC 246-203-130(d)(ii) Livestock waste stockpiling: "Store to control odors and attraction of flies, rodents, and other vectors;"	The Significant Analysis incorrectly references and incorporates by reference the standard to "control odors and attraction of flies, rodents and other vectors." The reference to WAC 173-350- 320(6), is a storage pile permit requirement, not a storage pile rule requirement. The Board incorrectly exempted this standard from the Significant Analysis and, by extension, the Small Business Economic Impact Statement. WAC 173-350-320(2) is the appropriate language by defining agricultural waste to include livestock manure. WAC 173-350-320(2) does not include any requirement for odor control. Therefore, the addition of the requirement to control odor in your proposed rule has no legal or statutory standing and must be removed.	<b>Proposed Change</b> . Staff agree that the Significant Analysis incorrectly references this standard in WAC 173-350-320 and incorrectly exempts the standard in the Significant Analysis and the Small Business Economic Impact Statement. Both documents are considered preliminary analyses at the time of the CR-102 filing and staff recommend addressing this gap in the analyses with the supplemental analysis provided at the end of this response to comments on page 12. The mistake in the rulemaking analyses does not invalidate the proposed standard.

Other Public Comments and Responses with No Recommended Changes			
Comment Summary	Response		
Rule Language			
In subsection (1), add "direct and immediate" to health hazard for consistency with the proposed definition of health hazard, and to emphasize this quality of the term.	<b>No Proposed Change.</b> Like other language in the proposed rule, this term is defined in subsection (2) to avoid the need for further clarification in the body of the rule.		
In subsection (1), add language to account for stormwater runoff, algal overgrowth, and environmental protection of aquatic environments.	<b>No Proposed Change</b> . The proposed rule's scope includes runoff and impacts to surface water bodies where there are human health risks. This may not include all scenarios involving algae and protection of aquatic environments but would extend to and include		

	harmful algal blooms in surface water bodies where
	there are human health risks.
The proposed rule expands authority of local health officers beyond provided statutory authorities. The purpose addresses "health hazards and nuisance detrimental to human health." The definition of nuisance in subsection (2), in contrast, includes "health and safety." Inclusion of "safety" in this definition seeks to broaden authority of local health officers far beyond what is provided in state law.	<b>No Proposed Change.</b> "Health and safety" are foundational to public health, especially environmental public health, and is found throughout Board and local health officer authority, programs, and material. In addition, the definition of public nuisance in WAC 246- 203-010 includes "safety" and the term "health hazards" implies safety.
The definition of "nuisance" in subsection (2) is narrow and not reflective of current nuisance law under RCW 7.48. Recommend adopting the definition of "actionable nuisance" under RCW 7.48.	<b>No Proposed Change.</b> State rules and laws, including chapter 7.48 RCW, contain numerous and contrasting definitions of nuisance, actionable nuisance, private nuisance, public nuisance, common nuisance, and more that were reviewed and considered. This plaintalk definition is adapted to fit the subject matter of the rule.
Add the clause, "and conveyance systems to surface waters," to the definition of surface water bodies in subsection (2).	<b>No Proposed Change.</b> The definition of surface water includes surface runoff to the water body, which at a minimum, encompasses natural conveyance systems. In addition, subitem (3)(b)(iii) similarly accounts for runoff to surface water bodies where there are human health risks.
There is a huge loophole in subsection (3) since the definition of "stockpiling" does not include active composting or lagoon storage of domestic animal waste from livestock." This is a gift to interest groups and harms human health.	<b>No Proposed Change.</b> The rule does not directly regulate composting or lagoon storage. However, subitem (3)(b) can apply to all animal waste forms and pathways if impacting another person's property, drinking water sources, or surface water bodies with human health risks.
In the preface of subsection (3) earlier versions of the rule excluded "pasture livestock." What does this term mean, and how would a local health officer determine if livestock fall into this category? By what principles, health concerns, or scientific findings do you justify removal of pasture livestock as an exempt diffuse source.	<b>No Proposed Change.</b> The rule drafting explored many trial ideas, terms, and principles that are not in the proposed rule. Staff removed "pasture livestock" in an earlier draft because pasture grazing scenarios are highly variable, ranging from large-lot, low-density grazing to more concentrated, small-lot animal keeping. Pasture grazing does not consistently and categorically serve as an example of a diffuse source.
I walk my dog in areas with signage to pick up after dogs, dog owners fail to pick up the waste, and no one enforces the rule. For anyone to push livestock owners to remove their herds' waste seems to be an absurd step in the wrong direction. Livestock waste does not have the offensive odor that small animal waste has.	<b>No Proposed Change.</b> The proposed standard in subitem (3)(a) to collect waste does not include all areas where animals are herded and instead focuses on areas where animals are held or housed for periods of time and waste can accumulate to create a problem.
In subitem (3)(c)(i), replace temporary storage in a "watertight container" with, "a hard-sided container with a lid that closes securely so that animals cannot access it and it cannot overflow from falling rain or snow."	<b>No Proposed Change.</b> In many situations people can safely store modest volumes in plastic bags and other simple receptacles. More substantial container storage may be needed depending on circumstances and volumes. People can determine the appropriate means.
Standards for non-livestock need to be more specific. For example, would landowners with acreage be required to pick their field to find pet waste for temporary storage in a water-tight container and disposal?	<b>No Proposed Change.</b> For non-livestock waste, if the waste is held for a period of time prior to disposal, the goal and expectation is to store it safely. Collection from acreage would not be necessary.
If adopted, Clark County would incorporate language from subitems (3)(c)(i) and (ii) into local code revisions	No Proposed change.

and would cite this code depending on the situation and	
need for state supported enforcement.	
Bagging horse manure would cause safety issues	No Proposed Change. The proposed standards in
riders cannot carry a rake and bag with them or safely	(3)(c)(i) and (ii) to safely store, bag, and dispose waste
attach a rake to the side of a horse.	apply only to non-livestock animals, not to horses. In
	addition, diffuse horse riding is exempt from the rule.
In subitem (3)(d)(i), what constitutes odor control? At	No Proposed Change. The recommended change to
what distances and duration does a landowner need to	this standard discussed above aims to clarify that
control odor? What devices will be used to detect odor?	people should apply control measures for odor and
Can you specify which pests are to be controlled?	pests to the extent practical and reasonable.
If required to annually remove my horse's manure	No Proposed Change: The standard to remove
under subitem (3)(d)(ii), it will be cost prohibitive	stockpiles at least annually incorporates by reference
in equipment and other fees.	an existing state standard for agricultural waste piles.
in equipment and ether rece.	This and similar comments note the challenges
	landowners face using and disposing stockpiles. It is
	· · ·
	expected enforcement would be reasonable and
	reserved for situations where the scale and duration of
	a stockpile presents a public health risk.
Add new subitem (3)(d)(iv) as follows, "Domestic animal	No Proposed Change: Farm conservation plans help
waste from livestock shall be collected and stockpiled in	guide good waste handling practices. However,
accordance with an approved jurisdictional farm	approved farm plans should not serve as a minimum
management plan."	standard and prerequisite for livestock waste
	stockpiling.
Add new subitem (3)(d)(v) as follows, "Domestic animal	No Proposed Change: The proposed rule does not
waste from non-herbivores may not be composted at	regulate livestock or non-livestock waste composting.
the site of origin or used for land application."	
Is all waste to be removed if found within the 100-foot	No Proposed Change: This proposed 100-foot
setback?	setback and its exceptions apply to stockpiling near
	surface water bodies, not waste collection.
Regulated agricultural facilities	
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	No Proposed Change Board policy direction for the
This 'rule' was originally designed for "Keeping of	No Proposed Change. Board policy direction for the
Animals" in an urban setting. Facilities located in an	rulemaking has been that the rule should apply to
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	,
animal waste. Examples of a "more stringent standard"	
include, but are not limited to, the state Dairy Nutrient	
Management Act, state or federal CAFO permits issued by Department of Ecology, and fugitive dust or air	
emission plans approved by Department of Ecology or	
a local government agency. This should clarify	
authorities and avoid confusion and lawsuits.	
Enforcement	
Most farmers/ranchers follow these practices. People	No Proposed Change.
who disregard make it difficult for people who follow the	
rules. People that violate need to be accountable.	No Deserved Observes to set to althe invitations to see
Use of public health officers to investigate complaints	No Proposed Change. Local health jurisdictions have
causes problems in the regulatory framework for	unique authority and training related to health and
livestock producers. This jeopardizes relationships with	sanitation that complements the work and authority of
existing regulators. Local health officers and staff lack	other agencies. The Keeping of Animals rule has been
training and expertise regulating agricultural operations.	in effect for decades and local health already serves in this role responding to complaints and impacts related
The rule should give investigation and enforcement to those better positioned. A coordinated team of	to animal waste, which often involves interagency
regulators and professional resource planners should	coordination. It is expected local health jurisdictions
assess situations and provide prescriptions to address	would be judicious and would continue to coordinate
pollution risks to ensure consistency, equity, and	with other agencies as needed when investigating
successful results.	complaints and considering possible enforcement.
	Enforcement of Board rules by local health officers is
	standard Board regulatory structure.
Local health officials lack training and knowledge of	No Proposed Change. As noted above, the current
animal keeping issues; there is risk of abuse by local	Keeping of Animals rule has been in effect for decades.
health departments; the policies are so unclear that	Local health officers and staff already serve in this role
anyone who works for a local health department could	responding to complaints and impacts related to animal
abuse the authority when enforcing the unclear rules;	waste.
we don't need more confusion.	
Where will the enforcement money come from? Has the	No Proposed Change. This is not an operational
Board estimated the cost of enforcing the rule?	Board rule that involves comprehensive, ongoing
	oversight and implementation. Local health jurisdictions
	can determine on a case-by-case basis the significance
	of a possible violation and the resource needs for
	possible enforcement. It is expected enforcement would
	be reasonable and reserved for situations where there
	are public health risks. Additionally, this is not a new
	rule, but an update of an existing rule that has been in
	effect for decades.
We are concerned that there are no details or specifics	No Proposed Change. Enforcement of Board rules by
for what constitutes an "attempt to communicate" or	local health officers is standard structure of many Board
what is a "reasonable time" to correct the violation.	rules and relies on local enforcement procedures. The
Additional specifics are needed to provide the required	proposed rule does not aim to define comprehensive
transparency for the overall process that will be used,	investigation and enforcement protocols for the state's
and to increase justice and equity by ensuring all	local health jurisdictions. Jurisdictions are required to
citizens are treated equally and that the rule is	ensure fairness and due process.
implemented in a uniform manner statewide.	
/	
Different jurisdictions will treat this very differently; it's	
concerning that counties will address this issue without	
a uniform approach. There needs to be uniformity of	
enforcement across the board, not leaving the	
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decisions up to each individual health officer and local health jurisdiction.				
We recommend articulating situations and timelines	No Proposed Change.			
when enforcement will occur.				
Request Rulemaking Delay to Form Workgroup and Work on Concerns				
Request delaying the CR-102 policy proposal and	No Proposed Change. Staff worked with interested			
forming a stakeholder workgroup or task force to address unresolved concerns, including concerns related to mixing livestock oversight with non-livestock; unclear/overreach on stockpiling and composting; concern of complaint abuse from urban neighbors; lack of uniformity of enforcement; and more. / Given the serious outstanding issues, both technical and policy based, we request that the Board delay action on this proposed rule and create a work group with key stakeholders to help address the many problems that we and others have raised.	parties while researching, drafting, and revising the proposed rule, and solicited public comment at different junctures in the rulemaking. The Board will consider possible action on the proposed rule at the public hearing. This will include consideration of referring the rulemaking back to staff for further work with interested parties on the rule if resources allow.			
Conduct a process that brings stakeholders and impacted individuals to the table to find real solutions that will work for everyone—a more comprehensive and detailed stakeholder process to ensure common ground is identified and solutions are clear and provide the most benefit for Washingtonians.				
<i>I</i> BOH membership does not include someone who can speak to rural or agricultural issues and so need a workgroup with expertise in agricultural issues.				
Support				
Favor and support these proposed rule revisions. The	No Proposed Change.			
existing rule is outdated and these changes are long overdue and will modernize the rule. It is a much- needed update to the existing rule with clearer standards for animal keepers to understand and use. The changes support the protection of human and environmental health and will improve public health outcomes by providing local health jurisdictions tools to address and resolve animal waste problems; will better protect drinking water, surface and groundwater, shellfish, and water recreation areas; will complement other state agency's regulatory roles and authorities to protect water and air quality; and will align with revisions being pursued by some local jurisdictions.				
Dremond Dule Conflicts with New Down 1 (				
Proposed Rule Conflicts with Non-Regulatory F				
Landowners need education and assistance, not enforcement and fees. Concerned that this is overreach and the proposed rule would detract from the many interagency efforts and programs that work with	<b>No Proposed Change</b> . There are numerous non- regulatory strategies and programs to help landowners properly manage animal waste, particularly livestock owners. These are essential and highly regarded. Rules			

landowners to implement good practices through educational voluntary methods, such as assistance and education offered by conservation districts. A sudden regulatory effort would be difficult to implement and would affect the opportunity for property owners to work with the voluntary processes and programs. Put education and assistance ahead of regulation.	help set expectations and provide a backstop in cases where waste may be badly mishandled and action is needed to address and correct a problem. Rules and non-regulatory programs are complementary. This Board rule update is not the rollout of a new regulatory effort.
Proposed Rule will Cause Harm and Costs	
Concerned that the proposal will stress livestock small businesses and harm Washington agriculture; impact people's rights, pursuit of happiness, and income; be one more infringement on our freedoms; hurt our economy and tax base revenue; penalize hard working people and hurt industry and community; impact operations; be an immense cost; and exacerbate the current issues it is trying to resolve.	No Proposed Change.
Drepeed Bule is Uppeedearry, Dedundant wit	h Other Agency Relea and Authority
Proposed Rule is Unnecessary, Redundant wit	
Landowners are better custodians of their property than any government agency, and 99.9% of folks take care of this all the time and have for decades. People are very capable of handling their own land, animals, and lives without state interference.	No Proposed Change.
The rule lacks a demonstrated need; is unnecessary,	No Proposed Change. State law requires the Board to
unwise, impractical, and redundant; and fails to show how it might benefit public health or protect drinking water. If a rule has worked for 100 years, do we really need to change it? There are no examples that demonstrate how the current WAC language impedes resolution or instances where local boards of health were unable to find resolution using existing language, making this feel more like a solution looking for a problem. The changes to this rule are overly burdensome, overly complex, and do not take into consideration existing rules and regulations from other agencies. This rule change is out of time and out of place.	review and, as needed, revise its regulations. The existing rule is antiquated and, as such, is little used when addressing local animal waste problems. The rulemaking researched and considered the authority and limits of related programs. The Washington State Environmental Health Directors commented that this is a much-needed update to the existing rule with clearer standards for animal keepers to understand and use.
The Board should work within the existing regulatory framework and should focus on matters not addressed by other governmental departments. Property owners are already subject to federal and state laws that regulate animal waste and water resources. WSDA and Ecology should manage manure and animal waste issues without conflict from this rule. They have authority and infrastructure to mandate and enforce waste regulations. If their regulations for waste management are insufficient, those should be updated. NRCS has established best management practices for all aspects of agriculture. And conservation districts have a charter to engage people with voluntary actions.	<b>No Proposed Change</b> : Local health officials and sanitarians in local health jurisdictions have a longstanding role addressing problems and responding to complaints associated with animal waste as it pertains to health and sanitation. While there are overlapping interests and authorities, the public health role is unique and distinct from the work of other natural resource agencies.
RCW 43.20.050(c) grants Board authority but does not provide authority to delegate duty to WSDA or Ecology; neither of those agencies are qualified to address	<b>No Proposed Change.</b> Other state agencies have complementary authority, but no agency shares local health's niche and unique focus on health and

human health; there are no protections to ensure other agencies will protect public health.	sanitation. The respective agencies have different limits to their authorities and responsibilities. The rule does not purport to delegate authority to them.
Under RCW 70.05 counties already have the authority to adopt rules to address public health issues, and health officers have the power to maintain health and sanitation, and prevent, control or abate nuisance detrimental to public health. This is the stated purpose of the proposed rule. / The local board of health is made of people from the community who better understand the community's needs. We acknowledge that there are bad actors who are creating actual problems. However, the details of such a rule as this should be determined by the local board of health in ways that align with local values and interests.	<b>No Proposed Change</b> : Local health jurisdictions have authority to adopt local codes on matters of health and sanitation. The Board has similar responsibility with its authority at the state level. Code development at the two levels of government are not mutually exclusive. Similar to the intent and purpose of the Board's companion rule on Disposal of Dead Animals, if adopted, local health jurisdictions can reference and use this state animal waste rule to address health risks on problem properties.
Nuisance and Right to Farm	
The proposed rule has the potential to expose livestock owners to complaints and enforcement by people unfamiliar with agriculture operations and best management practices. Often people who make complaints about animal keeping have no idea what is involved, especially as more urban people move into rural areas without having an effective understanding of agricultural management practices. The state and many counties, especially in eastern Washington, have Right to Farm laws and ordinances. The application of this new rule, if it goes forward, has the likelihood of placing rural people with animals in a position where they believe they are exempt from these rules and yet, they end up receiving needless complaints and potential prosecution.	<b>No Proposed Change</b> . Staff do not believe the rule violates the Right to Farm law but acknowledge the law and recommend a clarifying edit to the proposed standard on odor/pest control. This would better Fit Right to Farm and better position the standard as a performance standard that calls for voluntary actions to control odors and pests to the extent reasonable. More broadly the rule outlines standards to safely handle and dispose animal waste to stay below the high bar of nuisance and health hazards.
Concerned about using nuisance as a regulatory metric related to livestock waste; too subjective, loose, and based on personal preference; a lot of public resources go into responding to "nuisance" complaints from people new to agricultural areas or with little understanding of agricultural practices.	<b>No Proposed Change</b> . Nuisance is integral to Board authority related to disposal of human and animal excreta and animal remains. The proposed rule outlines minimum standards to safely handle and dispose animal waste and stay below the high bar of nuisance as it relates to agricultural practices.
Weakens Public Health Protection, Not Strong Enough	
The proposed rule weakens or removes public health	No Proposed Change. The rule retains nuisance and
and nuisance protections in the existing rule by eliminating protection against nuisances caused by keeping or sheltering animals; eliminating stable waste collection, storage, and removal requirements; and eliminating drinking water protections. Recommend creating minimum standards in existing rule, more frequent waste removal, and include all areas. Changing the focus of the rule to domestic animals no	drinking water protection, establishes select minimum standards, and includes all areas. The proposed rule focuses more directly on Board authority for animal excreta, not animal keeping.
Changing the focus of the rule to domestic animals no longer regulates pollution caused by farm animals. The rule leaves out the dairy cows in Yakima County, thereby ignoring the largest source of groundwater	<b>No Proposed Change.</b> The proposed rule's focus on animal excreta includes pollution caused by manure from farm animals.

pollution in the state and failing to protect the health of	
the citizens of lower Yakima Valley. Narrowing the scope of the rule from keeping of animals to animal waste ignores the hazards, nuisance, air quality and airborne disease, dust, and odors due to the keeping, feeding, watering, housing, and transporting of animals. The rule should also not exclude off-site manure transport and use from regulation. The Board's regulatory authority and responsibility extends beyond just managing animal waste, and these draft rule revisions do not go far enough. The Board is failing to meet its mandate to address three manure practices that harm health and drinking water sources: storing manure in lagoons, transferring/selling manure to use as fertilizer, and applying manure to fields as fertilizer. Composted waste and lagoon storage should be managed more stringently and require greater public health protections. Recommendation to: (1) articulate which types of livestock operations are authorized to stockpile waste and which types should keep waste in covered, airtight containers for disposal; and (2) outline clear, science- based for livestock waste management by different operations based on size, type of livestock, type of waste, and site conditions.	No Proposed Change. The proposed rule aims to balance the minimum standards and fit of the proposed rule with the roles and programs of other agencies. As noted in other responses, if addressing an overarching impact to properties, drinking water sources, or surface water bodies with public health risks, local health officers can take into account all animal waste sources and pathways. Other agencies operate under independent authority regulating these issues that are separate from Board authority. No Proposed Change. Staff are unaware of mandates to the Board to address specific manure management practices. Subitem (3)(c) retains protection of drinking water sources and gives voice to local health officers to help address animal waste in all its forms and pathways if impacting drinking water sources.
Mixing Livestock and Non-Livestock Issues	
The proposed rule covers too broad a range of animals, and management practices. The rule should differentiate between livestock (e.g., cattle, horses, goats) and domestic pets (e.g., dogs, cats) as the waste, health risks, and practices are very different; Management of horse waste is not in any way related to management of dog and cat waste. Composted horse manure is a valuable soil amendment. Not so dog and cat waste.	<b>No Proposed Change.</b> The rule addresses both types of animals with tailored standards as needed. Differences in practices and health risks is integral to the rule's structure. Use and enforcement of the rule would take this essential understanding into account. The Board's companion rule on Disposal of Dead Animals, WAC 246-203-121, similarly addresses different animals in a single rule. And other Board rules similarly address related but different activities and health risks under consolidated rules.
The rule misses key health factors by not discerning different health impacts of the various types of animal waste. Carnivore waste poses a much greater health risk than herbivore waste. This is not considered in the current rule proposal. Instead, this appears to be a statewide, one-size-fits-all approach that would not address those differences and creates unnecessary burdens that would not provide additional health benefits.	
The rule is unclear where it applies. It would be better if this rule applied only within urban areas to carnivorous domestic animals. Including livestock creates complications that should be handled by the Washington Department of Agriculture, not the Department of Health. Pets such as cats and dogs have	

different manure than livestock animals like cattle and	
horses. The rule should address these differences.	
Concerned about mixing equines in with domestic animals. They are working animals that can react as prey animals and run wild. Equines have always been farm animals, not pets.	<b>No Proposed Change:</b> The term pet does not appear in the proposed rule. The term "domestic animal" includes livestock animals and other domesticated animals not classified as livestock. The list of livestock animals comes from definitions of livestock in state law.
Missellereeus	
Miscellaneous	
The Board should opt into the HEAL Act and consider the potential environmental justice impacts of this rulemaking (e.g., impacts of climate change on communities of color and low-income communities).	No Proposed Change. Seven state agencies are required to implement the HEAL Act, and other agencies may opt-in. Three entities, including the Board, have opted to join in a "Listen and Learn" capacity and are participating in meetings of the Environmental Justice Council and implementing HEAL Act requirements as resources allow.
The rule does not allow composting and spreading of livestock manure. Composting livestock waste is a vital part of the life cycle of the farm. The rule should clearly state that manure composting and spreading is allowed.	<b>No Proposed Change.</b> The proposed rule does not regulate and does not prohibit composting and manure spreading. Staff recognize that these manure management activities are vital to the life cycle of farms.
Is composted livestock waste allowed to be spread on lands within the 100 ft setbacks? Will livestock waste need to be separated by omnivore and herbivore to allow composting? And if so, how is the omnivore waste to be disposed of? What criteria will be set to determine if composted waste is acceptable to be spread? And who will make that determination? Will chicken compost be prohibited from being utilized?	<b>No Proposed Change.</b> The proposed setback from surface water bodies is specific to stockpiling and the proposed rule does not regulate composting.
It is unclear what geographical areas and what type of entities this rule would apply to. The rule is silent on whether it applies to organizations that are commercial or private, urban or rural, or are affected regardless of their size. Since municipal and incorporated areas already have regulations regarding livestock (e.g., rooster prohibitions) and domestic pets (e.g., waste disposal). It appears the target for this proposed rule would be unincorporated commercial and private acreage with livestock.	<b>No Proposed Change.</b> The standards of the proposed rule apply to everyone, all "persons." There are related state and local laws. If standards overlap, more stringent codes would supersede this proposed rule.
The rule should have addressed other topics/concerns, including: keeping animals (e.g., poultry) in residential neighborhoods; state waste removal regulations; protection of agricultural areas and existing stockpiles from threats of new development; public health threat of climate change (which is exacerbated by keeping of animals); and the authorization of citizen lawsuits against polluters.	No Proposed Change.
This rule has poor timing due to supply-chain problems, food shortages, fertilizer shortages, inflation resulting from the COVID-19 pandemic and foreign conflict. Homeowners are engaging in small scale food production to address these problems and this new regulation would impede that.	<b>No Proposed Change</b> . Staff recognize the current challenges people are facing. Small scale food production and safe handling of animal waste should be compatible.
SBOH should focus on more pressing issues like "junkies and hoarders, homeless and their abuse of public lands and right of ways."	No Proposed Change.

Small Business Economic Impact Statement	
Outreach on this rulemaking was inadequate. Compounding matters, the cost analysis was also inadequate and did not produce enough data to quantify the potential impacts of this proposed rule. The SBEIS survey had a low response rate that is not representative of livestock producers and other affected businesses. Without more responses, we do not have a clear picture of the totality of the rule's consequences. It would set a dangerous precedent to move forward without additional insight and input.	<b>No Proposed Change.</b> The Board followed standard rulemaking process in its efforts to assess business costs, including the practice of surveying a large representative sample of businesses in affected industry classifications to estimate financial impacts of the proposed rule. In addition, staff asked numerous associations and trade organizations to help spread word of the rulemaking and the cost survey to their members. Further analysis would not change the findings that the proposed rule imposes more than minor costs on businesses in affected industries and will likely have a disproportionate impact on small businesses.
The cost estimates for cattle ranching and farming (which would include the dairy industry) are inaccurate- the payroll for veterinary services does not exceed the payroll for dairies; discussion of (3)(d)(iii)(D)(II) does not state that composting and lagoons are not included in definition of stockpiling; NRCS standards are guidelines and non-enforceable.	<b>No Proposed Change.</b> Payroll data used in the analysis comes from a standard database used in state rulemaking. Yes, the proposed stockpiling setback from a surface water body has its basis in a voluntary NRCS standard.

#### **Response to Comments**

## Addendum to Significant Legislative Rule Analysis and Small Business Economic Impact Statement

## WAC 246-203-130, Concerning Keeping of Animals, Revising the Section Title to Domestic Animal Waste

In drafting the significant legislative rule analysis and the small business economic impact statement for rulemaking on WAC 246-203-130, the Board incorrectly incorporated by reference an existing requirement in chapter 173-350 WAC, Solid Waste Handling Standards. As a result, the Board incorrectly exempted the proposed standard for livestock waste stockpiling "to control odors and attraction of flies, rodents, and other vectors" from the two rule analyses.

The proposed standard in WAC 246-203-130 mirrors but does not incorporate by reference an existing standard in chapter 173-350 WAC. The final documents will be edited to correct the mistake and to incorporate the following description and analysis of the proposed standard. As needed, staff will make additional corresponding edits to the final documents to accurately integrate this information. Staff will also revise the language of the standard and analyses to incorporate the recommended clarifying edit to this standard if adopted by the Board.

WAC 246-203-130(3)(d)(i) Store the waste to control odors and attraction of flies, rodents, and other vectors.

**Description:** Stockpiling is short-term piling of stackable waste from livestock, typically using temporary, non-structural measures.<sup>1</sup> If waste from livestock is stockpiled for later use or disposal, this proposed standard requires people to apply measures to control odors, flies, rodents and other vectors. The proposed standard mirrors—but does not incorporate by reference—requirements for solid waste handling in <u>chapter 173-350 WAC</u>.

**Costs:** The Board believes it is likely that many individuals and businesses already apply practices to address the proposed standard. For people who currently stockpile livestock waste or plan to do so in the future, probable new costs would involve material, supplies, and labor for measures to control and minimize odors, pests and vectors. As with other proposed rule standards, scale and type of operation are significant factors determining potential costs and suitability of optional control measures.

Odors are inherent characteristics of livestock manure, and attraction of pests and vectors are common challenges associated with stockpiling and other manure management practices. Control measures aim to minimize and manage these matters to maintain sanitary conditions and to prevent and control nuisance and health hazards. Measures can be active or passive, can be

<sup>&</sup>lt;sup>1</sup> USDA Natural Resources Conservation Service. 2020. <u>Conservation Practice Overview, Short-Term Storage of</u> <u>Animal Waste (Code 318).</u>

highly technical or relatively simple, and on large operations are often applied as part of comprehensive manure management and integrated pest management.

The following practices are among the many methods people can consider and apply to help manage and minimize odors, pests, and vectors associated with livestock waste stockpiles. Most practices are passive (e.g., proper siting and timing) and low or nominal in cost. 2,3,4,5,6,7,8,9,10,11,12,13,14,15

- Site piles away from and downwind of neighboring residences and residential areas.
- Keep stockpiles as dry as possible to minimize odors and breeding ground for flies (the wet upper layer).
- Use covers such as tarps and roofed stacking structures to help keep stockpiles dry. See Table 5 for representative costs of tarps and Table 6 for sample costs of roofed stacking structures. Design and scale are significant factors in the costs of covers.
- Cover freshly added manure in storage piles with bedding, straw, or hay.
- Try not to use insecticides to control flies. Naturally occurring fly predators (tiny, nonstinging wasps and parasites) are beneficial to the pile and pest control.
- Add new waste to piles as a block of material to minimize fresh manure surface exposure.
- Time stockpiling and related use/disposal to minimize storage and related control needs.
- Try to remove stockpiles during cold weather before fly breeding season.
- When removing piles, leave a few of inches of dry manure over the bottom of the storage area to provide a population of fly parasites and predators.
- Use trees and other vegetation as visual barriers for piles, to reduce material blown from piles when dry, and to help disperse odors.
- Manage feed and facilities to minimize attraction of rodents.

**Benefits:** Animal keeping is widespread across the state. With it comes the challenge of proper waste handling and, very often, temporary stockpiling. Measures that minimize odors and pests

<sup>&</sup>lt;sup>2</sup> USDA Natural Resources Conservation Service, <u>Odor Control, Conservation Solutions for Your Pennsylvania</u> <u>Farm</u>.

<sup>&</sup>lt;sup>3</sup> Penn State Extension, <u>Horse Stable Manure Management</u>.

<sup>&</sup>lt;sup>4</sup> Rutgers University Cooperative Extension, Storing Manure on Small Horse and Livestock Farms.

<sup>&</sup>lt;sup>5</sup> Rutgers University Cooperative Extension. 2004. <u>Agricultural Management Practices for Commercial Equine</u> <u>Operations</u>.

<sup>&</sup>lt;sup>6</sup> Northeast Recycling Council, Inc. 2019. <u>Manure Management for Small and Hobby Farms</u>.

<sup>&</sup>lt;sup>7</sup> Koelsch, Rick. 1993. <u>Odor Control from Livestock Waste Handling Systems</u>.

<sup>&</sup>lt;sup>8</sup> Michigan State University Extension, <u>Horse Manure Management Plans</u>.

<sup>&</sup>lt;sup>9</sup> Colorado State University and USDA Natural Resources Conservation Service. 2018. <u>Manure Management</u> for Small Acreages.

<sup>&</sup>lt;sup>10</sup> University of Nebraska-Lincoln Institute of Agriculture and Natural Resources, <u>Manure Stockpiles: Mind Your</u> <u>Manners</u>.

<sup>&</sup>lt;sup>11</sup> Michigan State University, <u>An 8-Step Process for Developing a Horse Manure Management Plan: Part 7 – Odor</u> <u>Management</u>.

<sup>&</sup>lt;sup>12</sup> Livestock and Poultry Environmental Learning Community, <u>Storing Manure on Small Farms:</u> <u>Why Do Small Farms Need Manure Storage?</u>

<sup>&</sup>lt;sup>13</sup> Cornell University and Penn State Extension, <u>Pest Management Recommendations for Poultry</u>.

<sup>&</sup>lt;sup>14</sup> University of Massachusetts Extension, <u>Odor Control</u>.

<sup>&</sup>lt;sup>15</sup> Oregon State University Extension Service. 2007. <u>Managing Small-Acreage Horse Farms in Central and Eastern</u> <u>Oregon</u>.

associated with stockpiles help create a healthier environment for people and animals and help lessen tensions and potential nuisance claims in neighborhoods and communities. In keeping with the other proposed standards, good stockpiling practices that help minimize odors and pests are integral to good overall manure management. Time and money spent on proper siting and management of stockpiles help maximize economic return on the manure resource while minimizing conflict and time spent on impacts and complaints with odor and pest issues.<sup>16</sup> The practices listed above and other practices recommended by conservation agencies for minimizing odors and pests are the types of reasonable practices that prevent nuisance.

<sup>&</sup>lt;sup>16</sup> Virginia Cooperative Extension. 2018. <u>Manure Management and Environmental Stewardship</u>.

From: Dan DeGroot Sent: 5/26/2022 12:26:32 PM To: DOH WSBOH Cc: Subject: My Public Comments

#### External Email

This 'rule' was originally designed for "Keeping of Animals" in an urban setting. Facilities located in an agricultural zoned area should be exempt if there is a regular inspection of the facilities by one or more state or Federal agencies.

I have a dairy facility that is inspected by the Grade A Milk Inspector several times annually and includes inspection of manure and animal housing areas to ensure there is not excessive stockpiling of animal nutrients. I am inspected regularly by the Nutrient Management Inspector from the Washington State Dept of Agriculture. I maintain a Federal Confined Animal Feeding Operation (CAFO) Permit that is regulated by the EPA, the Washington Department of Ecology and the Washington Department of Agriculture. I had been involved with air quality plans and inspected by the Yakima Regional Clean Air Authority. I believe that I am well inspected and watched closely by both the State, Federal and Local governments.

Not providing exemption to those with regulated facilities in ag zoned areas will only cause confusion, to all those inspecting and being inspected, by adding another set of rules. This type of rule is being promoted by those who have a bias against dairies and animal agriculture. This is a broader topic that should not reside with the Local Health District.

Dan DeGroot Skyridge Farms From: Richartz, Saundra Sent: 4/29/2022 3:50:09 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: Keeping of Animals rule comment



attachments\785B32AA9049463F\_Keeping of Animals rule.docx

attachments\E3C9FEEEE29B471F\_image001.png

External Email

Please accept the attached as a comment from members of the Senate Republican Caucus.

Saundra D. Richartz

Staff Counsel

Washington State Senate Republican Caucus

Phone: (360) 786-7943, Fax: (360) 786-7815, Cell: (509)690-7648

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From: susan\_conard@comcast.net Sent: 5/6/2022 3:43:23 PM To: DOH WSBOH Cc: Subject: FW: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

External Email

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems, already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

As such, it appears the target for this proposed rule would be imposed on unincorporated commercial and private acreage with livestock.

As such, we are of the opinion, that this proposal should fall under the scope of authority of the Washington State Department of Agriculture (WSDOA). The Department of Agriculture's charter provides the agriculture community ensuring agricultural regulations are observed. They work extensively with commercial operations, but their responsibilities range from ensuring food safety to environmental protections for water quality.

They also have the ability to work with land owners who have self-imposed farm plans that regulate animal waste. These plans need to be grandfathered in.

If the regulations under the WSDOA for waste management are insufficient, those should be updated. They have the authority and infrastructure to mandate and enforce the waste management regulations.

The Conservation Districts who submitted this rule making petition, have a charter to engage people with voluntary actions that keep our air, water, soil, habitats, and farmland healthy for all. They should be petitioning the Department of Agriculture for changes, and not the Board of Health.

Regarding the regulations proposed these need to be more specific, if not they are subject to bias by those who implement and enforce.

For examples, Standards for non-livestock:

For land owners with acreage, would land owners be required to pick their field to find their pet animal waste for temporary storage in a water tight container and disposal?

Would land owners be required to fence property to prevent their cats and dogs from migrating to adjacent neighbors? What regulations would be in place, or recourse would a landowner have, if their neighbors deliberately allow, or walk their dogs or cats to defecate on their neighbor's property to avoid collection/containment/disposal? Would land owners be required to sign their property "No Trespassing" to prevent this?

Will domestic pets be restricted from retention ponds, creeks, and rivers on one's property?

Standards for stockpiled waste from livestock:

What is consider stockpiled? Collected for composting? piled up like an equine stud pile? concentrated defecation in a confinement area?

Is all livestock waste to be removed, including poultry, goats, sheep, ducks, if found within the 100 ft setback?

Will livestock waste need to be separated by omnivore (i.e pigs, ducks, chickens) or herbivore, to allow to be composted? And if so, how is the omnivore waste to be disposed of?

Is composted livestock waste allowed to be spread on lands within the 100 ft setbacks?

What criteria will be set to determine if composted waste is acceptable to be spread? And who will make that determination?

What odors need to be controlled? Waste odors, composting odors, animal odors?

What constitutes odor control and at what distance and duration does a land owner have responsibility to control the odor? What device will be used to detect odors?

Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Susan Conard

Ph: 425-870-9118

Email: susan\_conard@comcast.net <mailto:susan\_conard@comcast.net>

From: PCCBCH Memberships Sent: 4/27/2022 12:36:47 PM To: DOH WSBOH,wsbohproposedAnimalWasteRule@wsboh.wa.gov Subject: Public Comment - Keeping of animals

#### External Email

There are many issues/concerns that are unresolved from the last meeting on Monday the 26th of April. I am requesting that you postpone the draft proposal from June's hearing. I suggest that you allow a work group/task force of stakeholders to convene and sort out the concerns of this draft proposal.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Please consider these concerns about the "Keeping of Animals" issues.

Thank you,

Ron/Barbara Downing

253-312-1072

Sent from Mail <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F% for Windows

From: Donahoe, Kaitlyn N (SBOH) Sent: 5/1/2022 6:04:37 PM To: DOH WSBOH Cc: Subject: Fwd: CR 102 Domestic Animal Waste

Get Outlook for iOS <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2Fo0ukef&data=05%7C0

From: Jon Borcherding <jonreadsitall@protonmail.com> Sent: Sunday, May 1, 2022 3:32:34 PM To: Donahoe, Kaitlyn N (SBOH) <kaitlyn.donahoe@sboh.wa.gov> Subject: CR 102 Domestic Animal Waste

External Email

The Washington State Board of Health has chosen a remarkably inopportune moment to address what is described as a long-standing issue.

With supply-chain problems and fertilizer shortages affecting the global food supply, many experts including the Biden Administration are predicting food shortages. The recent destruction of at least 12 major food production plants will likely also contribute to food shortages. The nation's railways are refusing shipment of nitrogen fertilizers during the current planting season. The FBI has just released a bulletin outlining the threat of cyber attacks against agricultural facilities. There is NO shortage of threats to America's food supply.

In addition to the looming specter of food scarcity is the alarming rate of inflation which disproportionately impacts the poor by making food more and more unaffordable.

In an effort to stave off shortages and hunger, many homeowners are engaging in small scale food production i.e., vegetable gardens, raising chickens, rabbits, pigs, goats, sheep, etc. Any new regulation that impedes the homestead production of vital food resources is bound to be met with fierce resistance.

In an era when we are experiencing global shortages of nitrogen fertilizers due to foreign conflict, it seems like a good time to review our attitudes about animal waste products and learn to treat them like the resource they are.

There are already laws on the books regarding proper animal husbandry and the Board would be well advised to address current problems within the existing framework. New rulemaking at this time is also bound to lead to increased cost to the taxpayer at a time when we are seeing record inflation.

Has the Board estimated the cost of enforcement of new proposals? Surely there is an awareness that commissioned law officers and search warrants will be necessary to investigate the disposition of animal waste on private property? Also at issue is the credibility of the Health Department. It is not reasonable to expect homeowners to accept heavy handed regulation of traditional food production activities on their private property, particularly at a time when homestead food production may be key to survival. One can easily imagine the erosion of respect resulting from any attempt to use government force to hinder necessary farming activity.

I strongly urge the Washington State Board of Health to delay the Draft Policy proposal scheduled for June 2022. I believe it is in the best interests of all citizens that a work group or task force is formed to study the concerns of all stakeholders and advise the Board prior to the drafting or adoption of any new rules regarding the keeping of animals.

Sincerely,

Jon M. Borcherding

Roy WA

From: Kelly Bell Sent: 4/26/2022 7:58:40 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Constituent comment

External Email

Please postpone the June ruling on the draft proposal in favor of empaneling a stakeholder task force to further explore and inform the group on the issues at hand. As an agriculturist and smallholder who is faced with increasing encroachment on our farmlands by urbanites who have little understanding of farming practices and who bring urban values with them without regard for the values they're displacing, I recognize that rural folks have a diminished voice in this process. It's important that you take the time to thoroughly consider our traditions and values, as well as our basic needs and livelihoods, in making these critical decisions which will disproportionally affect farmers and livestock-holders, many of whom are economically disadvantaged. Thank you for listening,

Sincerely, Kelly Bell (917) 446-1555

Ovis Aries Farm ARBA-Registered Romney sheep @OvisAriesFarm | @Kelly | @YARNSPOTTING From: Denise Haan Sent: 4/26/2022 5:13:16 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: comment

External Email

Hello,

As an animal owner I am aware that there are many issues --important to concerned citizens and groups-- that have as yet been worked out re: the proposed rule. These concerns include why there is mixing of livestock oversight with non-livestock (doesn't seem to make any intuitive sense), overreach in terms of rules on stockpiling and composting (and the \$\$ that would incur), unforseen complaints from urbanites who move into rural areas and are 'surprised' to find livestock, let alone wildlife ('why don't you all just shoot and kill the coyotes, bears, racoons, etc.?") in the area (I live in such an area), and leaving enforcement up to a local health officer (who may have limited to no knowledge about livestock) (I teach public health at the university level and livestock issues are not a primary focus of ANY public health degree program). Given this and other issues, it seems best if you all delay addressing the draft proposal in June's hearing and instead convene a work group to sort out the various concerns and bring recommendations to your group. That way you're not "unmaking" rules down the line. Thanks.

Denise Haan

From: DOH WSBOH Sent: 4/4/2022 8:16:49 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Keeping of animals rule. WAC 246-203-130. public comment.

Good morning Stuart,

Forwarding you a public comment below regarding KoA.

Nathan Thai

Communications Consultant

Washington State Board of Health

Nathaniel.Thai@sboh.wa.gov <mailto:Nathaniel.Thai@sboh.wa.gov>

360-463-8928

Website

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From: shoer joe <joemarce@gmail.com> Sent: Friday, April 1, 2022 8:02 AM To: DOH WSBOH <WSBOH@SBOH.WA.GOV> Subject: Fwd: Keeping of animals rule. WAC 246-203-130. public comment.

External Email

Sent from my iPhone

Begin forwarded message:

From: Steve McLaughlin <mclaugsa@yahoo.com <mailto:mclaugsa@yahoo.com>

Date: March 28, 2022 at 10:05:26 PM PDT To: shoer joe <joemarce@gmail.com <mailto:joemarce@gmail.com> > Subject: Re: Keeping of animals rule- public comment.

□Excellent!

>

Sent from my iPad

On Mar 28, 2022, at 17:21, shoer joe <joemarce@gmail.com <mailto:joemarce@gmail.com> > wrote:

To whom it may concern:

I'm a cattle rancher here in Jefferson county Washington. My family has been raising cattle here since the mid 70's. Although my animal husbandry practices are always improving, I have a few questions and comments that may concern other large and small livestock owners and producers.

There is a proper department already educating and enforcing these rules. Why is the DOH getting involved? The county conservation district is the department that is and should have jurisdiction on this matter. They help owners of livestock and educate them on better practices. They also work with the department of health and the environmental protection agency to name a few.

In my opinion most livestock owners and producers have a large part in keeping water clean and their land healthy. Clean water for our animals and healthy land to raise them on is important to most.

1) why and what good comes from penalizing hard working people that work hard and care for these suspect animals? Targeting small business in our county only hurts our economy. Education is key here.

2) why is the DOH involving the dept. on such matters when there are other depts. already in place to target the such concerns of animal Waste.

3) has the DOH reached out to farms or ranches in our county to discuss the matter from a real world perspective? If not, than you've already made the first mistake on this rule.

4) has anyone analyzed how much of our local economy depends on agriculture in our county? And how much ag creates in materials, local revenue, and land taxes being payed to the county?

In closing my public comments, I'm disappointed to hear of another rule to stifle our agricultural community. Putting fees on hard working people only hurts the ag industry in our county and community. Education and assistance is the way to combat these concerns of the DOH. I urge the county to talk to local livestock owners and livestock businesses to create a better solution than fees and control.

Please email me back with any concerns you may have. I would enjoy being a part of a better solution on the matter.

Joe Marceau joemarce@gmail.com <mailto:joemarce@gmail.com> Sent from my iPhone From: Tenney, Patricia Sent: 5/2/2022 9:07:10 AM To: DOH WSBOH Proposed Animal Waste Rule Subject: FW: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

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External Email

Representative Dent and some of his colleagues would like to submit this letter of support for the Keeping of Animals Rule. Please let us know if you need anything else.

On Behalf of Representative Dent.

Best Regards,

Patricia Tenney

Senior Legislative Assistant

To Representative Dent

House of Representatives

437 John L. O'Brien Building

PO Box 40600

Olympia, WA 98504

Telework (509) 941-2346

Any other relevant information, including your legislative website

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From: DOH WSBOH <WSBOH@SBOH.WA.GOV <mailto:WSBOH@SBOH.WA.GOV> > Sent: Monday, March 28, 2022 3:27 PM Subject: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

CAUTION: External email.

The Washington State Board of Health (Board) has filed a CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals. The proposed rule includes a title change to Domestic Animal Waste. The proposed rule includes standards for the handling and disposal of animal excreta, or animal waste, for the purpose of preventing and controlling nuisance and health hazards.

The CR-102, filed as WSR 22-08-003, announces to the public that a rule is being proposed and includes the proposed rule language. The CR-102 is attached and related material can be accessed at the Board's rulemaking page

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc</a> rules-and-activity%2Fkeeping-

animals&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6bcc7c5b6bb463fb0d

You may submit your comments on the proposed rule the following ways:

0. Written comments are accepted through May 2, 2022, using the following options:

1. Send to the Board's public comment email address for this proposed rule: WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov>

- 2. Send via U.S. Mail to:
  - 0. Washington State Board of Health PO Box 47990 □OlympiaWA 98504-7990

Please Note: All written comments submitted to the Board will be considered part of the official rulemaking file, provided to Board members for their consideration, and will be posted publicly to the Board's website.

0. Verbal comments will be accepted on June 8, 2022, during the online rules hearing open to the public

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Fmeetings%2Fme information%2Fmeeting-information%2Fmaterials%2F2022-06-

08&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6bcc7c5b6bb463fb0d508d

beginning at 1:30 p.m.

1. Access and register for the online rules hearing: https://us02web.zoom.us/webinar/register/WN\_6vqdRyUmTamyb61z3wCSBA <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus02web.zoom.us%2Fwebinar%2

Important Information for the Rules Hearing:

\* The online rules hearing will be held via the Zoom Webinar platform

\* In order to give verbal testimony during the rules hearing, you will need to access the meeting using your computer, laptop, or device. Your computer, laptop, or device must have speakers and a microphone.

For more information regarding this rule revision please:

1. Visit the Board's Keeping of Animals rulemaking web page <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc</a> rules-and-activity%2Fkeeping-

animals&data=05%7C01%7CWSBOHProposedanimalwasterule%40sboh.wa.gov%7Cb6bcc7c5b6bb463fb0d or

2. Email Board staff at stuart.glasoe@sboh.wa.gov <mailto:stuart.glasoe@sboh.wa.gov> .

Thank you,

(360) 236-4110

P.O. Box 47990, Olympia, WA 98504-7990

Location

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This announcement is being sent to the Board's general distribution list and other distribution lists associated with this rulemaking. Please excuse any duplications.

CAUTION: This email originated from outside of the Legislature. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Garret Hammer Sent: 3/30/2022 7:46:53 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Issues with proposed changes

External Email

To whom it may concern,

Even though these changes do not directly affect me, at this time. I believe they would be too much added stress on many small businesses that deal with livestock. With the current state of the economy that would be detrimental. I know how much folks rely on agriculture, large and small in the state of Washington and know the people in positions to look after that do not want it harmed, and these changes would harm

Thank you, Garret

From: bassoonbarb@yahoo.com Sent: 4/28/2022 8:21:21 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste proposed ruling

External Email

To whom it may be appropriate:

I often walk my dogs on trails & in parks where the dog owners fail to pick up & remove their dogs messes. It is a horrible offensive smell to pass by and even worse step in the mess. There is signage for dog owners to pick up the waste however it is not being done and there is absolutely no one enforcing this rule.

For anyone to push livestock owners to remove their "herds" waste seems to be an absurd step in the wrong direction. When it is already difficult to find emloyees for any government office then who will manage the proposed law if it is acted upon? Where is the enforcement money coming from? Livestock waste does not have the offensive odor that small animal waste has.

I really advise officials to postpone this ruling and rethink consequences of the actions on ranchers and farmers. How many ranchers have left and more will leave ranching? Where will you obtain your next steak; rare and expensive?

Horse owners help pay government officials through the high taxes paid. What happens when that goes away?

This issue MUST be rethought!

Sincerely, Barbara Bennett-Penniston 98926 From: boobaa920@gmail.com Sent: 4/21/2022 9:20:20 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

External Email

April 18, 2022

Washington State Board of Health

Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems, already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

As such, it appears the target for this proposed rule would be imposed on unincorporated commercial and private acreage with livestock.

As such, we are of the opinion, that this proposal should fall under the scope of authority of the Washington State Department of Agriculture (WSDOA). The Department of Agriculture's charter provides the agriculture community ensuring agricultural regulations are observed. They work extensively with commercial operations, but their responsibilities range from ensuring food safety to environmental protections for water quality.

They also have the ability to work with land owners who have self-imposed farm plans that regulate animal waste. These plans need to be grandfathered in.

If the regulations under the WSDOA for waste management are insufficient, those should be updated. They have the authority and infrastructure to mandate and enforce the waste management regulations.

The Conservation Districts who submitted this rule making petition, have a charter to engage people with voluntary actions that keep our air, water, soil, habitats, and farmland healthy for all. They should be petitioning the Department of Agriculture for changes, and not the Board of Health.

Regarding the regulations proposed these need to be more specific, if not they are subject to bias by those who implement and enforce.

For examples, Standards for non-livestock:

For land owners with acreage, would land owners be required to pick their field to find their pet animal waste for temporary storage in a water tight container and disposal?

Would land owners be required to fence property to prevent their cats and dogs from migrating to adjacent neighbors? What regulations would be in place, or recourse would a landowner have, if their neighbors deliberately allow, or walk their dogs or cats to defecate on their neighbor's property to avoid collection/containment/disposal? Would land owners be required to sign their property "No Trespassing" to prevent this?

Will domestic pets be restricted from retention ponds, creeks, and rivers on one's property?

Standards for stockpiled waste from livestock:

What is consider stockpiled? Collected for composting? piled up like an equine stud pile? concentrated defecation in a confinement area?

Is all livestock waste to be removed, including poultry, goats, sheep, ducks, if found within the 100 ft setback?

Will livestock waste need to be separated by omnivore (i.e pigs, ducks, chickens) or herbivore, to allow to be composted? And if so, how is the omnivore waste to be disposed of?

Is composted livestock waste allowed to be spread on lands within the 100 ft setbacks?

What criteria will be set to determine if composted waste is acceptable to be spread? And who will make that determination?

What odors need to be controlled? Waste odors, composting odors, animal odors?

What constitutes odor control and at what distance and duration does a land owner have responsibility to control the odor? What device will be used to detect odors?

Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Regards,

Barbara Woo and Scott Bauer

Small acreage land owner

360 435 6923

From: Darrell Wallace Sent: 4/27/2022 12:30:00 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed Animal Waste Rule

External Email

Your proposed Rule is deeply flawed. I support efforts to delay passage and form a work group to resolve the issues.

--

Darrell

From: Samantha Janes Sent: 3/31/2022 10:00:16 AM To: DOH WSBOH Proposed Animal Waste Rule,Glasoe, Stuart D (SBOH) Cc: Subject: Comments WAC 246-203-103

External Email

To whom it may concern,

I recognize the Board of Health is an integral part of the governing process that keeps residents safe and protected from issues of which they may or may not be aware. It is with this in mind, I implore you to focus on matters that are not addressed by other government departments.

In regards to the proposed WAC 246-203-103, Domestic Animal Waste, it is in the best interest to the residents of the State of Washington that the Department of Agriculture and Department of Ecology are allowed to manage manure issues under their existing management plans without unnecessary conflict as your proposed WAC ruling will do.

Property owners are already subject to federal and state laws that regulate how commercial agriculture manure is managed. The proposed rules attempt to cover too broad of a range of animals. Placing new rulings across the board are unnecessary, unwise and impractical and have the potential of detrimentally affecting landowner's rights, pursuit of happiness and income.

Sincerely,

Samantha Janes

Samantha Janes 360-865-0949 cell

Owner, Paradise Love & Veggies www.paradiseloveveggies.com <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.paradiseloveveggies.com%2F From: Bahr, Gary (AGR) Sent: 5/2/2022 3:32:20 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: WSDA comments for Proposed Rule, WAC 246-203-130, Keeping of Animals

*attachments\B85131937C054694\_WSDA Comment Letter for Board of\_PRDTOOL\_NAMETOOLONG.pdf* 

Hello,

I respectfully submit the attached comment letter from the Washington State Department of Agriculture related to Proposed Rule, for WAC 246-203-130, Keeping of Animals. Thank you for the opportunity to provide comment.

Thanks,

Gary

Gary Bahr

Science Liaison

Office of Director

Washington State Department of Agriculture

Olympia, Washington

c-360-349-0522

gbahr@agr.wa.gov <mailto:gbahr@agr.wa.gov>



# STATE OF WASHINGTON DEPARTMENT OF AGRICULTURE P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear Board of Health:

One behalf of Washington State Department of Agriculture, I am writing to provide our comments related to the Proposed Rule for WAC 246-203-130, Keeping of Animals. The proposed action would include a title change to Domestic Animal Waste, and propose new standards for the handling and disposal of animal excreta, or animal waste, for the purpose of preventing and controlling nuisance and health hazards. While we agree that these various issues are of potential concern, we would like to express concerns about a new layer of regulatory actions and responsibility related to authorities and duties of other agencies, while potentially not utilizing existing efforts and opportunities for success through educational and voluntary methods.

The Washington State Department of Agriculture (WSDA) is the agency with responsibility over Dairy Nutrient Management (Chapter 90.64 RCW) and rules. The Dairy Nutrient Management laws and rules require dairy animal feeding operations to have dairy nutrient management plans created and approved. The WSDA Dairy Nutrient Management Program (DNMP) staff and Conservation District partners conduct the work to ensure plans are properly implemented, while conducting inspections, education, and technical support. Other partners such as Washington State University researchers and extension staff assist with research, education, technical support, and specialized training. The DNMP staff also conduct specialized water quality monitoring in certain locations where there is increased precipitation and also where facilities are in close proximity to surface water that may lead to impacts to vulnerable aquatic systems and shellfish production locations. The DMNP efforts are an example of how concentrated animal agricultural systems are successfully regulated for the protection of water quality and human health. Part of the success is that the Washington State dairy industry is highly cooperative and supportive of efficient regulation. Every milk producing dairy farm is registered and also regulated for other aspects of operations such as milk production, milk quality and food safety.

When considering how to protect water quality and human health from other diverse animal manure sources around the state, these same kinds of regulatory approaches would be very difficult to apply to many thousands of small animal waste sources. Diverse and complex

nonpoint source pollution is most commonly handled through the implementation of the Washington State Nonpoint Source Plan and associated pollution abatement structures, programs and systems of voluntary approaches. Our agency believes that working with the thousands and thousands of landowners on animal waste management would be more efficient and effective if the efforts were voluntary and supported by state and local coordination, funding of preventative programs, and education and technical assistance. The Washington State agency system of working with nonpoint source and smaller animal systems are structured around voluntary approaches to protect water quality. The attempt for Board of Health to regulate landowners that own and manage small numbers of animals would be contrary to the existing systems and would be confusing and very onerous for the Board of Health and the associated agency partners. Landowners often look to the Washington State Conservation Commission (WSCC), Conservation Districts (CDs), USDA Natural Resources Conservation Service (NRCS), Washington State University (WSU), Ecology, and WSDA for assistance, cost share programs, and technical assistance. A sudden regulatory effort would be very difficult to implement and would all of sudden affect the opportunity for the thousands of property owners to work with the voluntary processes and programs. There are currently many examples of CDs and other partners successfully working with landowners on manure management. We encourage the Board of Health and the Department of Health (DOH) to work within the existing Washington State Nonpoint Source Plan and strategies for achieving federal and state goals for managing animal waste and protecting water quality and human health.

The tasks of managing general small farm manure sources for the protection of water quality and human health can be best taken care of through voluntary and educational processes. We suggest that the Board of Health and DOH review the successful efforts in the state and look for opportunities to collaborate with other state and local agencies to focus on effective and efficient processes in a cooperative process. A combination of education, outreach, and technical assistance efforts would provide for an effective process, combined with existing DOH Office of Drinking Source Water Assessment planning, capture zone and time of travel analysis, and contaminant inventories for all Group A and B public drinking water systems. Instead of attempting to regulate many thousands of landowners with small animal systems, it would be more prudent to pursue a coordinated effort for voluntary efforts while providing education, technical assistance and local support. Our agency has extensive experience with animal agriculture regulation and management. We know there are many manure management issues to tackle and we would like to highlight some of the existing state and local voluntary processes and successes that exist in our state and other locations in the country. We look to highlight how the main state and local groups are working on this, and provide some suggestions for what is working and potentially how Washington State DOH and ODW can join the efforts that would be complimentary. Our agency suggests that we collectively strive to provide tools for land owners and farmers to recognize their own resource concerns and become engaged in their on farm solutions whether they produce their own food, supply food to local markets, or own hobby farm, working, or recreational animals.

We provide this list and summarization of the overall state processes combined with a few examples of state and local groups are working on the manure management topic. Some of these

efforts could be a future focus of partnerships and efforts that could be complimentary and assist in providing solutions.

- There is the broader Ecology Clean Water Act Nonpoint Source Plan approach in Washington State, where the Washington State approach to abating nonpoint sources of pollution are outline. The state's nonpoint source plan provides descriptions of roles and responsibilities, and regulatory and voluntary approaches. The WSDA DNMP effort is described in the plan and other voluntary approaches for smaller potential pollution sources are described outlining management through voluntary, educational and technical approaches.
  - The overall Washington State NPS Plan <u>https://apps.ecology.wa.gov/publications/documents/1510015.pdf</u>
- The nonpoint source agricultural pollutant sources come under the purview and jurisdiction of a number of state and local agencies under the state Clean Water Act Washington State Nonpoint Source Plan and associated programs.
- Ecology is leading the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup and producing Best Management Practice (BMP) guides and manuals including materials geared toward small farms, heaving use areas, grazing, nutrient management, irrigation water management, and manure management. WSDA, WSCC, WSU, EPA, USDA NRCS, Conservation Districts, and other public and private sector groups are teaming together to support Ecology in this Voluntary Clean Water Guidance for Ag Effectiveness Workgroup. We encourage the Board of Health and DOH, or a designated group such as the Office of Drinking Water (ODW), to reach out to Ecology staff to join the group and contribute the ongoing efforts to produce guides for agricultural nonpoint groups and provide for prevention approaches. The collective group is active with producing science-based products and then working to find implementation and funding opportunities to engage local landowners to prevent pollution. All the combined groups are engaged and working toward effective and efficient government processes to collectively tackle these issues. We encourage DOH and the ODW to join and support these approaches.
- There is an ongoing approach with Ecology and the nonpoint source team for developing a new Agricultural BMP guidance. Ecology has been leading meetings for several years of the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup. WSDA and numerous others agencies and groups are a part of this workgroup supporting Ecology in developing the agricultural BMPs.
- This rule making seems contrary to the current approaches developed through the Ecology meetings of the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup <u>https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv</u>, to implement the Washington State NPS Plan.
- There are many resources and examples of work being done in Washington State and around the nation and we encourage the support those efforts for voluntary solutions prior to moving to some regulation that could be wasteful. How would an agency actually regulated many thousands of small farms?

- We encourage an approach where successful current and cooperative efforts are inventoried and assessed, and then additional funding is sought for improving voluntary systems.
- The WSDA Natural Resources Assessment Section (NRAS) and DOH ODW team is already working on pilot efforts for ground water protection in source water areas where agriculture is the primary land use.
- The DOH ODW is working to fund new and updated Source Water delineation modeling in the Yakima Ground Water Management Area (GWMA) to assist in focusing on the GWMA implementation in delineated capture zones. The Yakima GWMA Plan is located here: <u>https://www.yakimacounty.us/541/Groundwater-Management</u>.
- Completing capture zone, time of travel, and contaminant source inventory work in the Yakima GWMA and statewide would be an important step for aquifer and drinking water protection. Source water assessments can be combined with other GIS based mapping tools and modeling to assist in focusing precious state and local resources for making protection improvements in source water areas.
- Small farm and landowner management of nonpoint source pollution should be voluntary and prevention efforts is supported by state and local efforts and supported from other partners such as the USDA NRCS.
- Prevention of contamination of surface water, ground water, and public and private drinking water systems is best accomplished with voluntary education and training programs.
- There are many national, regional, state and local organizations that have worked on the topic of animal waste and manure management with small farms and rural landowners.
- There are many resources as well as funding sources available to implement programs that can be targeted to the appropriate audience and stakeholders.
- In Washington there are many groups that have been working on these strategies and education and prevention programs including the WSCC, CDs, WSU, NRCS, WSDA and others.
- The management of small farm and rural potential contaminants such as nutrients, sediment, pathogens, and other nonpoint source pollutants is best handling through non regulatory and educational and prevention programs.
- While DOH has authority to create and focus rules on certain potential contaminants to protect human health and drinking water systems; we recommend that the agency consider assessing the potential power and success of state, federal and local government partnerships; along with agriculture associations and groups to tackle this issue in a more focus and preventative manner.
- Creating new rules that would have a broad and comprehensive approach to the whole state would be difficult to implement and enforce when there are many thousands of potential private property owners around the state that would become newly regulated. There would be many impacts to DOH staff and associated state and local governmental partners with a difficult and potentially contentious rulemaking such as this. This type of rule and the potential implementation would actually be counterproductive to the already active and challenging task of implementing educational and voluntary measures with landowners.
- Our view is that the current approaches of education, technical assistance, and voluntary efforts is currently building and gaining momentum with the Ecology Voluntary Clean

Water Guidance for Ag Effectiveness Workgroup Team and various agency efforts. Some key partners working to create partnerships and successful programs are the WSCC and CD efforts, NRCS cost share and farm planning efforts, and the WSCC Voluntary Stewardship Program (VSP) <u>https://www.scc.wa.gov/vsp</u>. There are a number of key ground water protection program efforts around the state including the: Yakima GWMA, Grant County SDWA project with WSDA and DOH, and the Ground Water Protection Program efforts in Whatcom Country with the CD, Ecology and WSDA. In addition, the unique interagency and international effort with the Nooksack Fraser Transboundary Nitrogen (NTF-N) project is a very important cooperative effort supporting sound science and solutions for nitrogen issues in the Nooksack watershed. These are just a few examples of ongoing successful efforts that are gaining momentum.

- There are many ongoing programs, efforts, and technical tools available for manure and small farm animal waste management such as:
  - o https://lpelc.org/manure-management-on-small-farms/
  - https://lpelc.org/manure-management-on-small-farms/#.VOtCiEJEjDM
  - <u>https://www.rd.usda.gov/programs-services/water-environmental-programs/solid-waste-management-grants/wa</u>
  - https://www.usda.gov/topics/farming/resources-small-and-mid-sized-farmers
  - <u>https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/nra/rca/?cid=</u> <u>nrcs143\_014211</u>
  - https://www.nrcs.usda.gov/wps/portal/nrcs/main/?ss=16&navtype=SubNavigation &cid=null&navid=15018011000000&pnavid=15018000000000&position=Sub Navigation&ttype=main&pname=Manure%20&%20Nutrient%20Management% 20%257C%20NRCS
  - <u>https://connect.extension.org/event/equipment-and-facilities-for-managing-</u> <u>manure-on-small-farms</u>
  - https://bentonswcd.org/mud-and-manure/
  - o <u>http://whatcom.wsu.edu/ag/nutrient/guidel\_1.pdf</u>
  - <u>https://puyallup.wsu.edu/soils/manure/</u>
  - <u>https://extension.oregonstate.edu/collection/mud-manure-management-resources-</u> <u>small-farms</u>
  - <u>https://nerc.org/documents/manure\_management/guide\_to\_providing\_manure\_management\_ed.pdf</u>
  - <u>https://www.extension.iastate.edu/smallfarms/manure-management-acreages-and-small-farms</u>
  - <u>https://www.scc.wa.gov/vsp</u>
  - Michigan Agriculture Environmental Assurance Program, <u>https://maeap.org/</u>
  - https://www.nrcs.usda.gov/wps/portal/nrcs/detail/vt/technical/dma/?cid=nrcs142p
     <u>2\_010561</u>
  - o <u>https://aces.nmsu.edu/farmasyst/</u>
  - o <u>https://bookstore.ksre.ksu.edu/pubs/homeasst.pdf</u>
  - <u>https://extension.psu.edu/programs/nutrient-management/related-programs/pennsylvania-farm-a-syst</u>
  - <u>https://www.landcan.org/</u>
  - $\circ \quad \underline{https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water}$
  - $\circ \quad \underline{https://www.epa.gov/sourcewaterprotection/source-water-assessments}$

- <u>https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-</u> <u>committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv</u>
- We recommend that the Board of Health place more effort, resources, funding, and partnership effort into further developing the SDWA and DOH ODW programs <a href="https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water">https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water</a> for Group A and B source water modeling and system delineations and capture zone and time of travel analysis updates to properly assess the source areas for each public systems.
- This process in Washington State is very incomplete and the protection of ground water, source water, and public drinking water systems would be great enhanced if DOH, Ecology, WSDA, WSCC, CDs, and NRCS actually knew what spatial land areas up gradient of drinking water systems to focus on for our collective and current FTE staff time, resources, and funding.
- Our WSDA NRAS team is currently fulling engaged with DOH ODW staff in assessing all the Group A and B public drinking water data for nitrate, pesticides, and any other potential contaminant of concern.
- Our team has been very successful in proactively reviewing all the data, prioritizing what areas could be assessed and worked on in a systematic process. The goal has been to conduct a few focused projects such as the Yakima GWMA Implementation and Grant County ground water project to conduct update capture zone analysis and provide for programs to educate and provide technical assistance for nonpoint pollution issues that are voluntary in nature.
- These efforts should be pursued prior to some broad scope regulatory approach that would pull all the state and local agencies into something that would be misguided and result in wasting resources, funding, and antagonizing local land owners and small farm owners. It is our view, through first hand experiences, that small farm owners will make improvements once they're engaged with their local technical service provide through VSP and other programs which are lead with the CD, WSU Extension, WSDA and local watershed groups.

We appreciate the opportunity to comment on this draft rule making. We recommend that the state and local partners work to combine efforts and develop strategies that will incorporate effective and efficient use of staff, resources, and technical expertise. Our collective efforts should be strategically focused to work with agriculture and local landowners for farm system management, resiliency, and human health and environmental protection. We respectfully request that this proposed rule not be pursued. We look forward to working with the Board of Health to provide any additional input and helpful comments.

Thank you for considering our input, and we look forward to hearing back from you.

Respectfully,

Dary Bahr

Gary Bahr

Science Liaison Office of the Director Washington State Department of Agriculture Olympia, Washington Contact information: 360-349-0522, Gary.Bahr@agr.wa.gov

PC: Kelly McLain, Policy Advisor, WSDA Evan Sheffels, Senior Policy Advisor, WSDA Robin Schoen-Nessa, WSDA Perry Beale, WSDA Vince McGowan, Ecology Sage Park, Ecology Holly Myers, DOH ODW From: Joann Reider Sent: 4/26/2022 4:54:28 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals

External Email

Dear State Board of Health

Please postpone the draft proposal from June's hearing. Please allow a work group/task force of stakeholders to convene and sort out the concerns.

Some concerns are mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), etc.

Please delay the Draft Policy proposal in June. Please get a work group or task force formed to vet out our concerns.

Yours truly,

Joann R. Reider

From: Linda Daniels Sent: 4/28/2022 11:24:56 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Please postpone

External Email

Please hold off till June on this issue, there are unresolved issues. Sincerely, Linda Daniels

Sent from Yahoo Mail for iPad <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foverview.mail.yahoo.com%2F%3l">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foverview.mail.yahoo.com%2F%3l</a>

From: Colen Corey Sent: 3/30/2022 7:17:54 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Manure flushed down from horse boarding facility

attachments\EE4974C560D14293\_image2.jpeg

attachments\2374954E08A8476B\_image1.jpeg

attachments\4DE78E13E51048D2\_image3.jpeg

attachments\6AC1AEFB69294E76\_image4.jpeg

External Email

U U U

Good morning

I'm glad to see this proposal especially for regulations and CPU for horse boarding facilities that have tributaries or wetlands on the property. I have contacted you before of large amounts of horse manure flushed down onto our pastures from ARD horse boarding facility. The seasonal tributary to little Anderson runs through their property and travel through 3 of our pastures. I remove all trace of manure each day on our property and we do not put any horses or cows in pastures where the seasonal tributary flows, mainly from late October to around this time.

I am in constant contact with the Health District and WA ecology on this matter along with the Conservation District so called "farm plan".

Most farm/ranchers are excellent care takers of our streams and create sustainable farming/ranching, but those who blatantly disregard or have no respect only amounts of money to be made make it hard for those who follow rules.

Thanks for putting this on the docket and helping neighbors to these abusers have a legal right to clean water flow onto there property.

What will be the legal fines? The people that do these things need to be accountable. Respectfully

Joanne Corey

360.633.6699

Sent from my iPhone

From: Glasoe, Stuart D (SBOH) Sent: 5/27/2022 10:40:46 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: My Public Comments

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Dan DeGroot <skyridgefarms@hotmail.com> Sent: Thursday, May 26, 2022 12:26 PM To: DOH WSBOH <WSBOH@SBOH.WA.GOV> Subject: My Public Comments

External Email

This 'rule' was originally designed for "Keeping of Animals" in an urban setting. Facilities located in an agricultural zoned area should be exempt if there is a regular inspection of the facilities by one or more state or Federal agencies.

I have a dairy facility that is inspected by the Grade A Milk Inspector several times annually and includes inspection of manure and animal housing areas to ensure there is not excessive stockpiling of animal nutrients. I am inspected regularly by the Nutrient Management Inspector from the Washington State Dept of Agriculture. I maintain a Federal Confined Animal Feeding Operation (CAFO) Permit that is regulated by the EPA, the Washington Department of Ecology and the Washington Department of Agriculture. I had been involved with air quality plans and inspected by the Yakima Regional Clean Air Authority. I believe that I am well inspected and watched closely by both the State, Federal and Local governments.

Not providing exemption to those with regulated facilities in ag zoned areas will only cause confusion, to all those inspecting and being inspected, by adding another set of rules. This type of rule is being promoted by those who have a bias against dairies and animal agriculture. This is a broader topic that should not reside with the Local Health District.

Skyridge Farms

From: Sue Davis Sent: 5/2/2022 10:58:24 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comments on Proposed Domestic Animal Waste Rule

*attachments\E1C3FDE7B87C41EC\_CommentstoWBOH.docx.pdf* 

External Email

Dear Washington Board of Health,

Please find attached my comments on the Proposed Domestic Animal Waste Rule WAC 246-203-130, submitted for your consideration.

Thank you.

Sue Davis

#### May 2, 2022

Subject: Comments on Proposed Animal Waste Rule, WAC 246-203-130

Dear Washington Board of Health,

The proposed domestic animal waste rule is unnecessary and redundant. Additionally, as written, it has the potential to impact operations that are not creating a nuisance or public health hazard and expose them to complaints and enforcement by people unfamiliar with agriculture operations and best management practices.

Washington State already has the authority to investigate and remediate water pollution through WAC 90.48. Under this WAC Department of Ecology has "...the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington." Under WAC 173-201A, Department of Ecology has the authority to set water quality standards and take actions to prevent degradation.

RCW 90.72 Shellfish Protection Districts gives counties the authority to create shellfish protection districts and programs to address water pollution where water pollution threatens the water quality of shellfish growing areas. RCW 90.72 states, "This program shall include any elements deemed appropriate to deal with the nonpoint pollution threatening water quality over shellfish tidelands, including, but not limited to, requiring the elimination or decrease of contaminants in stormwater runoff, establishing monitoring, inspection, and repair elements to ensure that on-site sewage systems are adequately maintained and working properly, assuring that animal grazing and manure management practices are consistent with best management practices (*emphasis added*), and establishing educational and public involvement programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution."

Under RCW 70.05 individual counties already have the authority to adopt rules to address public health issues within their jurisdictions. The health officer has the power to, among others, take action to maintain health and sanitation supervision over the territory within his or her jurisdiction and prevent, control or abate nuisances which are detrimental to the public health which is the stated purpose of the proposed rule.

Finally, USDA Natural Resources Conservation Service has established best management practices (BMPs) for all aspects of agriculture, including livestock keeping and manure management. They and the local Conservation Districts across the state have education and financial programs to help land owners and livestock owners implement best management practices. The proposed rule as written does not mention or consider BMP's and has the potential to impact operations that are not creating a nuisance or public health hazard and those that are already using BMP's advocated by the expert agricultural agencies.

I urge you to postpone the draft proposal from the June hearing, and form a work group/task force of stakeholders and agriculture experts to consider the issue and concerns.

Thank you.

Susan Davis Thurston County Resident and Livestock Owner

From: John Kiess Sent: 5/2/2022 12:29:36 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Rule comment

attachments\0506F6901F0046C8\_EHD comment letter WAC 246-203-130.pdf

External Email

Please see the attached letter from the Washington State Environmental Health Directors.

Thank you,

John Kiess, RS | Environmental Health Director

Kitsap Public Health District

345 6th St., Suite 300 | Bremerton, WA 98337

(360) 728-2290 Office | (360) 620-0538 Cell

john.kiess@kitsappublichealth.org <mailto:john.kiess@kitsappublichealth.org> | kitsappublichealth.org <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d

<a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d">https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d</a>

<http://www.kitsappublichealth.org/img/KPHD\_Image\_Library/Email/PHAB\_logo.jpg>

<a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d">https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.kitsappublichealth.org%2F&d</a>

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FKitsapPub">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FKitsapPub</a>



May 2, 2022

SENT VIA ELECTRONIC TRANSMITTAL

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

### RE: PROPOSED REVISIONS TO CHAPTER 246-203-130, DOMESTIC ANIMAL WASTE

Dear Board of Health:

Thank you for the opportunity to provide comments on the proposed rule. This proposal provides a much-needed update to existing, out of date rule language. The Washington State Environmental Health Directors support this proposed language revision as it will result in a more useful rule that can be utilized by local health jurisdictions if necessary.

We believe that the proposed rule, if used by a local health jurisdiction, will result in better health outcomes as the language provides for clear standards for compliance to protect surface and ground waters which in turn protects drinking water supplies, shellfish resources, and recreational waters. Additionally, the proposed rule language provides clear standards for animal keepers to understand and implement in order to protect public health and natural resources in their own communities.

We support the proposed amendments to WAC 246-203-130, Keeping of Animals. If you have questions or would like additional information, you can reach me at 360-728-2290, or john.kiess@kitsappublichealth.org.

Sincerely,

ien

John Kiess, WSEHD Chair Environmental Health Director Kitsap Public Health District

Past Chair Ray Byrne Spokane Co EH Director (509)324-1588 rbyrne@srhd.org Chair John Kiess Kitsap Co EH Director (360)728-2290 John.kiess@kitsappublichealth.org Chair Elect Stephanie Shopbell Grant Co EH Manager (509)766-7960x41 shopbell@granthealth.org Secretary/Treasurer Season Long Cowlitz Co EH Manager (360)414-5592x6445 longs@co.cowlitz.wa.us Member at Large Jessica Gehle Pierce Co EH Director (253)649-1845 jgehle@tpchd.org From: Reese Sent: 4/30/2022 1:25:42 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: comments on CR-102 Keeping of Animals

## External Email

As a member of Back Country Horsemen of Washington (BCHW) and horse owner on Whidbey Island, I agree with the concerns of BCHW regarding Proposed Rule CR-102 Keeping of Animals. These concerns include mixing livestock oversight with nonlivestock, unclear/overreach on stockpiling and composting, concerns of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officers) and more.

I compost my horse's manure and for my garden and other plants. The rule does not clearly allow composting and spreading livestock manure. Livestock are herbivores. Their manure does not have the pathogens that are present in carnivores such as dogs and cats. If this rule does not clearly state that the composting and spreading of livestock manure is allowed, it will be up to local health officers to make this judgment which will likely be different from jurisdiction to jurisdiction. If I will be required remove my horse's manure, the cost will be prohibitive. I would like the WA Board of Health to delay the Draft Policy proposal in June, and a work group/task force be formed to vet out these concerns.

Thanks you for your consideration. Sandy Reese 892 Holbrook Rd Coupeville, WA 98239 (530)276-5742 From: jjyy@earthlink.net Sent: 4/30/2022 2:33:29 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: postpone the draft proposa

# External Email

Please postpone the draft proposal from June's hearing. We suggested they allow a work group/task force of stakeholders to convene and sort out the concerns.

From: Cathy Johnson Sent: 4/26/2022 2:26:23 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: comments on this proposed rule

External Email

I am a member of Back Country Horsemen of Washington and an owner of 3 horses that are kept at home on our 5 acres. I am very concerned that this animal waste proposal language has many issues that still need to be clarified. I am especially concerned about the language on composting manure, the risk of complaint abuse from urban neighbors and that there is no uniformity of enforcement.

I recommend that this proposal be put on hold while a task force is convened to deal with these remaining issues.

Cathy Johnson

2412 284th St. E Roy, WA 98580 From: tvreyo@gmail.com Sent: 4/26/2022 6:44:10 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposal regarding keeping/animal waste

### External Email

It is my recommendation as a livestock and equine stock owner to oppose any legislation that has not been reasonably vetted by a task force, and especially this one. I request that the Board of health focus on more pressing issues- like junkies and hoarders, homeless and their abuse of public lands and rights of way. More focus should be put on public safety around the ever surpassing numbers of humans that are homeless. Regulating grazing animal Shit before regulating people feces is a waste of taxpayers money! Stop regulating the people who are obeying the law and start doing something about those that don't. This is a total overstep of the authority of the board of Health. Defer this proposal! I cannot believe we have people that even think up this stuff- and are using my hard earned dollars to do so!

Tanara Reynolds Landowner BCHW Multiple chapters Thurston County From: Sherry Baysinger Sent: 4/26/2022 11:16:07 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste

External Email

We are very concerned with this over-reach into how animal/livestock owners deal with animal waste.

My husband and I are members of Back Country Horsemen of Washington. We have volunteered over 30,000 hours packing tools and equipment to assist the USFS, DNR, ONP and USGS in projects and trail and campsite maintenance in our area of the Olympic Peninsula. We are master trainers of Leave No Trace and continue now into our 70's to teach these practices to our many members.

Unfortunately, most of the people who are concerned about animal waste, especially livestock, have very little experience with livestock. They possibly don't even realize that cow and horse manure is really just recycled grass and excellent fertilizer for farmers (which happens to be in short supply due to recent world events).

The livestock owners that we work with are very well aware of how to compost and utilize manure in ways that do not harm, but rather improve the environment. Perhaps education rather than legislation should be your first line of defence on this issue. Private landowners who have been stewards of farmland for generations will not appreciate someone in uniform from the government who have, no authority by law to tell taxpayers how to care for their own land, for which they pay property taxes (and high ones in Washington!).

Please consider utilizing local Conservation District people within the counties to continue to hold classes on management of mud/manure rather than legislating something that has already riled up a lot of rural farmers and livestock owners. Conservation employees have been very helpful in Clallam and Jefferson counties. We have invited these folks to come to our property and instruct and assist with proper mud and manure management and protecting the stream that flows through our property. I should mention that our conservation folks are also horse owners and are Board members of several Back Country Horsemen Chapters. They have achieved respect for what they do because they are stock owners. I suggest you start with people like them.

Respectfully

Larry & Sherry Baysinger 2094 Bear Creek Rd Port Angeles WA 98363 From: ms n Sent: 4/27/2022 10:46:19 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Postpone the drafted proposal

External Email

I'm requesting they postpone the draft proposal for the Animal WASTE Rule from June's hearing.

I suggested they allow a work group/task force of stakeholders to convene and sort out the concerns.

Nancy Wiest

From: Laura Brown Sent: 4/26/2022 5:24:42 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

#### External Email

Hello, I am concerned about the proposed Animal Waste Rule. I feel that there are many issues/concerns that are unresolved.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

I ask that you please delay the Draft Policy proposal in June and that a work group/task force is formed to vet out concerns.

Thank you, A concerned horse and goat owner, Laura Brown Arlington, WA From: James Thompson Sent: 4/29/2022 2:28:04 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: CR-102 Keeping of Animals Comment

External Email

Concerned,

I am a Washington Resident and Homeowner. I keep my horses and livestock on my acreage, south of Oak Harbor, WA. I learned of proposed rulemaking CR-102 through the Backcountry Horsemen of Washington (BCHW) of which I am a member. I know you have met with and been in communication with both BCHW and many other concerned organizations.

This rulemaking provides a somewhat vague definition and mixes non-livestock and livestock rules which can have unintended consequences. I agree with the concerns of BCHW such as mixing livestock oversight with non-livestock, overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement can lead to hurting communities and also people's livelihood.

I know the local community compost's livestock manure very responsibly within the guidelines of experts and the guidance of Washington State University and others. Most share the composted product with my neighbors for their garden as well as spreading it on pastures. Those adjacent to streams, rivers, ponds, lakes, etc. are very concerned about doing it right to not harm the environment and ecosystem. The rule does not clearly allow composting and spreading livestock manure. Livestock are herbivores. Their manure does not have the pathogens that are present in carnivores such as dogs and cats. If this rule does not clearly state that the composting and spreading of livestock manure is allowed, it will be up to local health officers to make this judgment which will likely be different from jurisdiction to jurisdiction. If I will be required to annually remove my horse's manure, the cost will be extremely cost prohibitive in equipment and other fees. In which the organization taking this compost will then just compost it and sell it in the same way I would have used it.

In addition rules regarding livestock are vague and could affect this vital resource in maintenance of our local trails and public areas. Just the BCHW use stock all year to aid all government agencies in keeping trail access open to all users around the state.

I, also, would ask that the BOH delay the Draft Policy proposal in June and that a work group/task force is formed to vet out these concerns.

Thank you for your consideration.

Regards, James Thompson From: Chris Leaverton Sent: 4/28/2022 8:23:36 AM To: DOH WSBOH Proposed Animal Waste Rule Subject: CR-102 Keeping of Animals

External Email

I am asking that you delay the implementation of cr-102. Please allow a work/task group to convene with members who make up those who will be affected by this rule.

Farm composting of ruminant waste is vital to my small rural Prosser farm. The composting process is even part of the life cycle of the farm. Its starts with forage to manure to compost to vegetables.

Thank You,

Chris Leaverton

From: Sara Cate Sent: 4/18/2022 8:07:09 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: please consider my comments below

External Email

Dear leadership,

I am a physician with a background in public health andI'm writing to state my concern over the changes that the Washington Department of Health (WaDOH) is proposing for WAC 246-203-130. This rule is currently titled, "Keeping of animals", but the proposed new title will be "Domestic animal waste". From my reading it sounds like the WaDOH will no longer regulate the pollution caused by farm animals. Instead, they will focus entirely on the waste produced by domestic animals such as cats and dogs. This makes no sense as there are approximately 100,000 dairy cows in the Lower Yakima Valley (LYV). People are suffering because of the pollution caused from the incredible volume of manure produced and the water and air pollution resulting from this incredible concentration of dairy cows. It makes no sense that the waste produced by family pets is more significant in terms of health impacts compared to that produced by factory farm animals!

WaDOH has a moral and regulatory duty to address the pollution caused by farm animals, and protect the health of the public. I strongly oppose these changes.

Sara Cate, MD, MPH

Yakima Washington

From: Cindy Reece Sent: 4/27/2022 11:52:55 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: CR-102

101 attachments\4FFE6C02B92A432F\_WSBOH .pdf

External Email

Please see attached letter Thank you Jim and Cindy Reece April 27, 2022

Washington State Board of Health

Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

As such, it appears the target for this proposed rule would be imposed on unincorporated commercial and private acreage with livestock.

As such, we are of the opinion that this proposal should fall under the scope of authority of the Washington State Department of Agriculture (WSDOA). The Department of Agriculture's charter provides the agriculture community ensuring agricultural regulations are observed. They work extensively with commercial operations, but their responsibilities range from ensuring food safety to environmental protections for water quality.

They also have the ability to work with landowners who have self-imposed farm plans that regulate animal waste. These plans need to be grandfathered in.

If the regulations under the WSDOA for waste management are insufficient, those should be updated. They have the authority and infrastructure to mandate and enforce the waste management regulations.

The Conservation Districts who submitted this rulemaking petition, have a charter to engage people with voluntary actions that keep our air, water, soil, habitats, and **farmland healthy** for all. They should be petitioning the Department of Agriculture for changes, and not the Board of Health.

Regarding the regulations proposed these need to be more specific, if not they are subject to bias by those who implement and enforce.

For examples, Standards for non-livestock:

For landowners with acreage, would land owners be required to pick their field to find their pet animal waste for temporary storage in a water tight container and disposal?

Would land owners be required to fence property to prevent their cats and dogs from migrating to adjacent neighbors? What regulations would be in place, or recourse would a landowner have, if their neighbors deliberately allow, or walk their dogs or cats to defecate on their neighbor's property to avoid collection/containment/disposal? Would land owners be required to sign their property "No Trespassing" to prevent this?

Will domestic pets be restricted from retention ponds, creeks, and rivers on one's property?

Standards for stockpiled waste from livestock:

What is considered stockpiled? Collected for composting? piled up like an equine stud pile? concentrated defecation in a confinement area?

Is all livestock waste to be removed, including poultry, goats, sheep, ducks, if found within the 100 ft setback?

Will livestock waste need to be separated by omnivore (i.e pigs, ducks, chickens) or herbivore, to allow it to be composted? And if so, how is the omnivore waste to be disposed of?

Is composted livestock waste allowed to be spread on lands within the 100 ft setbacks?

What criteria will be set to determine if composted waste is acceptable to be spread? And who will make that determination?

What odors need to be controlled? Waste odors, composting odors, animal odors?

What constitutes odor control and at what distance and duration does a landowner have responsibility to control the odor? What device will be used to detect odors?

Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Regards,

Jim and Cindy Reece

Small acreage land owner

From: Cathy Halverson Sent: 4/26/2022 10:14:58 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals

External Email

As an animal owner I have concerns that not all issues have been resolved with the proposed animal waste rule. I ask that you postpone the draft proposal from June's hearing. I would like to see a work group/task force of stakeholders meet to sort this out.

Thank you,

Cathy Halverson Toledo, WA From: Glasoe, Stuart D (SBOH) Sent: 5/10/2022 10:20:00 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: DOH WSBOH <WSBOH@SBOH.WA.GOV> Sent: Tuesday, May 10, 2022 6:30 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov>; Herendeen, Lindsay (SBOH) <Lindsay.Herendeen@sboh.wa.gov> Subject: FW: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

From: susan\_conard@comcast.net <mailto:susan\_conard@comcast.net> <susan\_conard@comcast.net <mailto:susan\_conard@comcast.net> > Sent: Friday, May 6, 2022 3:43 PM To: DOH WSBOH <WSBOH@SBOH.WA.GOV <mailto:WSBOH@SBOH.WA.GOV> > Subject: FW: Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

External Email

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems, already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

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Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Susan Conard

Ph: 425-870-9118

Email: susan\_conard@comcast.net <mailto:susan\_conard@comcast.net>

From: Scott Wiggins Sent: 4/27/2022 9:26:38 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste

#### External Email

The short answer is that landowners are by far better custodians of thier property than any gov agency that has been proven over and over. As you come from your condo city life to legislate over landowners...remember your fact base is limited to fanatics that point to one or two examples an you mess with the 99.9% of folks that take care of this all the time and have for decades....we don't need or want your "help" unless you have a shovel. A better example is we have 4 horses and according to the county college folks we after 10years we should be under 8',of manure...the common sense truth is that every spring we drag a section of fencing over the pasture and it's gone and it enriches the soil...after all horse and cow manure is just digested grass.. that's it....pretty sure your targeting Seattle type stables and in your zest to have your name on a bill....miss legislate for the whole state...which is common for I-5ers....while my comments appear negative, what they are is watching decades of a handful of people messing with people that are very capable of handling thier own land, animals, and lives without state interference. And if you think outside the office...we been doing fine for 100 plus years...and now.....Thank you

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From: Phoebe Trocano Sent: 4/26/2022 6:27:48 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste

External Email

Please postpone th June deadline, so that a task force can be formed to specifically identify, & form solutions for, Th concerns discussed. Sincerely, Rick & Phoebe Trocano Members BCHW From: Gig Kerr Sent: 4/26/2022 3:36:38 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed rule

External Email

hope you hold off on making rules till you're sure of the best solutions to the many issues.

From: Susan Sterling-Williams Sent: 4/28/2022 7:39:32 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

#### External Email

Please delay the proposal ruling in June and provide the opportunity to reassess the waste removal regulation in the state.

Urban settings should be different than rural settings.

Excessive waste could pose a health problem to urban neighbors. That is what should be regulated....excessive waste not being properly composted and regulated & moved for use elsewhere on private properties.

Susan Sterling-Williams...Snohomish County (Machias Foothills)

From: PCCBCH Memberships Sent: 4/29/2022 1:10:01 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Public Comment - Keeping of animals

External Email

There are many issues/concerns that are unresolved from the last meeting on Monday the 26th of April. I am requesting that you postpone the draft proposal from June's hearing. I suggest that you allow a work group/task force of stakeholders to convene and sort out the concerns of this draft proposal.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Please consider these concerns about the "Keeping of Animals" issues.

Thank you,

Ron/Barbara Downing

253-312-1072

Sent from Mail <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F% for Windows

From: Glasoe, Stuart D (SBOH) Sent: 3/30/2022 11:40:49 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

attachments\EC0AF8D2EA014D88 image003.png

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Marie Tabata-Callerame <aikotabcal@hotmail.com> Sent: Monday, March 28, 2022 7:20 PM To: DOH WSBOH <WSBOH@SBOH.WA.GOV> Cc: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: Fw: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

External Email

Hello,

Since emails are not going through to the "WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov> " address, please direct this public comment email to the proper person. Thank you!

Marie Tabata

(360) 448-7925

(312) 933-2293 cell

From: Marie Tabata-Callerame <aikotabcal@hotmail.com <mailto:aikotabcal@hotmail.com> > Sent: Monday, March 28, 2022 7:13 PM To: WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov <WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov> > Subject: Re: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

My comment/suggestion is to add to the purpose the protection of stormwater quality. As temperatures rise, our rivers and lakes are having serious algae overgrowth issues. Thus, levels of feces that got into the water that were acceptable in a cooler temperature now create serious problems for aquatic environment. Thus, this issue is outside of just being a "health hazard" - it is an environmental protection issue.

Thanks for all the hard work you are doing!

Marie Tabata

Vancouver, WA

(360) 448-7925

(312) 933-2293 cell

From: DOH WSBOH <WSBOH@SBOH.WA.GOV <mailto:WSBOH@SBOH.WA.GOV> > Sent: Monday, March 28, 2022 3:26 PM Subject: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

The Washington State Board of Health (Board) has filed a CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals. The proposed rule includes a title change to Domestic Animal Waste. The proposed rule includes standards for the handling and disposal of animal excreta, or animal waste, for the purpose of preventing and controlling nuisance and health hazards.

The CR-102, filed as WSR 22-08-003, announces to the public that a rule is being proposed and includes the proposed rule language. The CR-102 is attached and related material can be accessed at the Board's rulemaking page

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc</a> rules-and-activity%2Fkeeping-

animals&data=04%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C5ccec5bfb9d844a5e1

You may submit your comments on the proposed rule the following ways:

1. Written comments are accepted through May 2, 2022, using the following options:

1. Send to the Board's public comment email address for this proposed rule: WSBOHProposedAnimalWasteRule@sboh.wa.gov

- <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov>
  - 2. Send via U.S. Mail to:
    - Washington State Board of Health PO Box 47990 □OlympiaWA 98504-7990

Please Note: All written comments submitted to the Board will be considered part of the official rulemaking file, provided to Board members for their consideration, and will be posted publicly to the Board's website.

1. Verbal comments will be accepted on June 8, 2022, during the online rules hearing open to the public

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Fmeetings%2Fme information%2Fmeeting-information%2Fmaterials%2F2022-06-

08&data=04%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C5ccec5bfb9d844a5e1f608c beginning at 1:30 p.m.

1. Access and register for the online rules hearing: https://us02web.zoom.us/webinar/register/WN\_6vqdRyUmTamyb61z3wCSBA <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fus02web.zoom.us%2Fwebinar%2

Important Information for the Rules Hearing:

\* The online rules hearing will be held via the Zoom Webinar platform

\* In order to give verbal testimony during the rules hearing, you will need to access the meeting using your computer, laptop, or device. Your computer, laptop, or device must have speakers and a microphone.

For more information regarding this rule revision please:

1. Visit the Board's Keeping of Animals rulemaking web page

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2Frulemaking%2Fc</a> rules-and-activity%2Fkeeping-

animals&data=04%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C5ccec5bfb9d844a5e1for

2. Email Board staff at stuart.glasoe@sboh.wa.gov <mailto:stuart.glasoe@sboh.wa.gov> .

Thank you,

(360) 236-4110

P.O. Box 47990, Olympia, WA 98504-7990

Location

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.google.com%2Fmaps%2Fpla 122.9083621%2C17z%2Fdata%3D!3m1!4b1!4m5!3m4!1s0x549173f074205aa3%3A0x552ddc5f79ee44b6! 122.9061681%3Fhl%3Den&data=04%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C5c · Website

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fsboh.wa.gov%2F&data=04%7C01 · Email <mailto:wsboh@sboh.wa.gov> · Facebook <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2FWashingtor
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This announcement is being sent to the Board's general distribution list and other distribution lists associated with this rulemaking. Please excuse any duplications.

From: Mary Hargrove Sent: 4/26/2022 4:33:47 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: New legislation concerning animal waste disposal

### External Email

I request they postpone the draft proposal from June's hearing. We suggested they allow a work group/task force of stakeholders to convene and sort out the concerns.

Sent from my iPad

From: Glasoe, Stuart D (SBOH) Sent: 4/25/2022 7:29:01 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Proposed Rule, for WAC 246-203-130,

Stuart Glasoe SBOH Health Policy Advisor 360-236-4111

-----Original Message-----From: Donna Frankel <dfrankel2c714@gmail.com> Sent: Saturday, April 23, 2022 7:44 PM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: Proposed Rule, for WAC 246-203-130,

External Email

Just want to let you know that I am in favor of this proposal. It is long overdue.

Donna Frankel, 1794 Happy Valley Road, Sequim, WA 98382

From: Glasoe, Stuart D (SBOH) Sent: 6/1/2022 12:18:43 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Keeping of Animals Language

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Dan Wood <dan@wastatedairy.com> Sent: Wednesday, June 1, 2022 11:07 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Cc: Dan Wood <dan@wastatedairy.com>; Jack Field <jack@wafeeders.org>; Jay <jay@wastatedairy.com> Subject: Keeping of Animals Language

External Email

Thank you for the time today.

In general, we do not believe new rules are needed with regard to commercial livestock because they are already regulated by the Dairy Nutrient Management Act, CAFO permits, air emission programs, etc.

However, if the Board of Health is going to adopt regulations, it is important to recognize what a "more stringent standard" means, as proposed in Section 3 of the proposed rules on Keeping of Animals. Absent clarity, there will likely be lawsuits and confusion as to implementation at the local and state level.

I would suggest adding a sentence to Section 3 so that it reads as follows:

3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Examples of a "more stringent standard" include, but are not limited to, the state Dairy Nutrient Management Act, state or federal CAFO permits issued by Department of Ecology, and fugitive dust or air emission plans approved by Department of Ecology or a local government agency.

This should clarify authorities and avoid confusion and lawsuits.

Again, we do not believe new rules are needed. But, if rules ARE adopted, we want them to be clear and recognize existing programs.

Please include this communication in the documents provided to the Board of Health.

Thank you,

Dan Wood Executive Director Washington State Dairy Federation 360-482-3485 (office) 360-870-6018 (mobile) Dan@WaStateDairy.com <mailto:Dan@WaStateDairy.com>

Call me any time – early, late, weekends, evenings. Really, it's OK.

From: ELAINE Kohler Sent: 4/27/2022 3:07:27 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed Animal Waste Rule

External Email

To whom it may concern,

As a BCHW member and 2 horse owner on a smaller piece of property, I am requesting a postponement of the draft proposal from the June's hearing. I suggest they allow a work group/task force of stakeholders to convene and sort out the concerns.

Thank you for your time and consideration.

Sincerely,

Elaine Kohler eckohler@msn.com From: Glasoe, Stuart D (SBOH) Sent: 3/30/2022 11:39:45 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Animal Keeping rule

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Jean Gulden <jeangulden@gmail.com> Sent: Monday, March 28, 2022 8:10 PM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: Animal Keeping rule

External Email

Dear Sir,

Though there are about 250,000 horses alone in Washington state, for this proposed rule, a bare1,000 surveys were mailed out to include all livestock and domestic facilities affected by the proposed law.

About .4%, yes, less than 1/2 of one percent, of those surveys were received back, only a small handful of which filled out any financial information. The conclusions drawn were that it must be fine and no cost because such a minute number filled in the financial information. I believe it is possible most did not return or did not complete these surveys because they have no idea how much such a rule would cost or the barest idea how it would be implemented. So in fact, there is no adequate 'cost analysis'.

Is such a rule even needed? Have we had public water or well contamination from livestock or pets? Has it caused any harm to humans? If a rule has worked for 100 years do we really need to change it? The rule gives no reason for updating other than its age - no reports, no studies, no contaminations on a measurable scale, no current known health risk, no discussion of what diseases could or could not cross over. (As a non-water related practical example: Did you know lice are species specific so you can't 'catch' mange from a goat or horse or cow? I bet not.) Zero 'cost benefit' has been scientifically determined - though I am sure lawyers will make money.

Do we have staff to fairly and consistently handle this new rule? Is there training for this staff in various types of animal keeping? manure handling? fly control via fly predators and feed through? common and acceptable practices? composting rates? disease risk or lack thereof?

The potential for abuse of such a rule by ignorant, untrained health department workers spurred on by one neighbor or greedy developer in an entire area is HUGE.

This rule lacks any demonstrated need and fails to show how it might benefit our health or our water supply.

Jean Gulden

jeangulden@gmail.com <mailto:jeangulden@gmail.com>

#### 509-499-2670

"Let love and faithfulness never leave you; bind them around your neck, write them on the tablet of your heart. Then you will win favor and a good name in the sight of God and man."

CONFIDENTIALITY NOTICE: This message (and any attachment to it) is intended only for the use of the individual or entity to which it is addressed in the header, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Any reproduction, distribution, modification or use of the contents of this message (and any attachment to it) by any individual or entity other than the intended recipient is prohibited. If you have received this communication in error, please notify us immediately and delete the original. From: Melody Meyer Sent: 4/30/2022 8:56:44 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste policy comment

External Email

Please delay creating a policy without agricultural and livestock owner committee creation.

Please do not implement any new wording without a sustained period of time and committee input from agricultural and livestock people.

Please be sure that the there is a differential between livestock and domestic pets being cats and dogs versus cattle horses goats etc.

I am a horse owner, I compost my manure I turn it into great high quality organic soil, and I use it in my gardens. Every single year. This would substantially affect my operations and my gardening. Though I am not a commercial gardener I depend on the ability to utilize my manure this way. I make sure that it does not have any impact on groundwater. I make sure that it is kept separate and stored responsibly. I also fertilize my fields with it. The immense cost that this could bring to domestic livestock owners would be crippling.

If the department of health is going to create a law about disposal, I would ask that they absolutely create a low cost and effective disposal system as well for horse and cattle owners. If a system is not created and we are forced to dispose of manure through the landfill system or other currently available disposal systems the cost would effectively force us to lose our animals. This is an undue burden on the citizens and it is unfair. Please consider all of these points carefully.

Please delay this bill and allow for further discussion and committee work for at least one year.

Thank you, Melody Meyer 253 961 8840 From: Morris, Della Sent: 4/29/2022 1:52:46 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130)

*d* attachments\9549830A39734C1D\_WAC 246-303-130 CR102 response.doc

External Email

Attached is the written comments on CR-102 Proposed Rule Alert: Keeping of Animals (WAC 246-203-130).

Thank you

Della Morris |Administrator II

Environmental Health Services Division

Public Health Seattle & King County

401 Fifth Avenue, Suite 1100 | Seattle, WA 98104

Phone: 206-263-9554, |Fax: 206-296-0189

Della.morris@kingcounty.gov <mailto:Della.morris@kingcounty.gov>

From: Diana Putney Sent: 4/28/2022 2:02:13 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals on a rural farm

External Email

To Whom it may Concern

I am a member of the Island County Back Country Horsemen and own and live on a farm in a rural area, we have 4 horses and no other livestock. The horses each have their own stall and paddock and we have a pasture for turnout during the day. We clean all the horse manure in the paddocks, stalls and pasture every day and it is dumped into our two compost bins. The bins have cement floors and cement blocks for the sides. The compost is hauled out by a friend who has a front loader and a dump truck and uses the compost for his gardens. We do not spread any of the manure on the pasture. Our horses are fed quality Timothy hay and alfalfa pellets have water tanks that are kept clean. There are not any streams or lakes in the area where we live.

Sincerely

Diana Putney Edgewood Farm, Langley, WA From: Tina Short Sent: 4/29/2022 7:13:59 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Recommendation to Postpone Proposal CR-102/WSR 22-08-003 From June Meeting

External Email

Good morning Washington State Board of Health,

I request you postpone the draft proposal (CR-102, Proposed Rule, as WSR 22-08-003 for WAC 246-203-130, Keeping of Animals) from the June 8, 2022 hearing.

Please allow a work group/task force of stakeholders to convene and sort through the concerns brought forward by the citizens of Washington state.

Tina Short Washington Citizen

May your troubles be less and your blessings be more, and nothing but happiness come through your door.

From: Glasoe, Stuart D (SBOH) Sent: 4/26/2022 11:28:42 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: WA Farm Bureau comments on BOH rulemaking - WAC 246-203-130 and SBEIS

10

attachments\435ACA35BCF04468\_image002.png

*attachments*\908C24665ACA4515\_WA Farm Bureau comment letter to\_PRDTOOL\_NAMETOOLONG.pdf

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Tom Davis <tdavis@wsfb.com> Sent: Tuesday, April 26, 2022 11:04 AM To: DOH WSBOH Proposed Animal Waste Rule <WSBOHProposedAnimalWasteRule@sboh.wa.gov> Cc: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov>; Grellner, Keith (DOHi) <Keith.Grellner@kitsappublichealth.org>; Davis, Michelle (SBOH) <Michelle.Davis@sboh.wa.gov>; Warnick, Judy <judith.warnick@leg.wa.gov>; Short, Shelly <shelly.short@leg.wa.gov>; Dent, Tom <tom.dent@leg.wa.gov>; Schmick, Joe <joe.schmick@leg.wa.gov> Subject: WA Farm Bureau comments on BOH rulemaking - WAC 246-203-130 and SBEIS

External Email

Please find attached the WA Farm Bureau's comments regarding the Board of Health's proposed rulemaking related to WAC 246-203-130 and the SBEIS.

Sincerely,

Tom Davis

Director of Government Relations

Ensuring that our family farms continue to feed the world

"The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created..."

RCW 42.56.030

# **WASHINGTON FARM BUREAU**

- To: Washington State Board of Health
- Date: April 26, 2022
- RE: Proposed rulemaking: WAC 246-203-130 Domestic Animal Waste

Dear Members of the Board of Health,

The Washington Farm Bureau is the state's largest general agricultural organization representing more than 47,000 member families statewide. We are a voluntary, grassroots advocacy organization representing the social and economic interests of farm and ranch families at the local, state and national levels. That is why Washington Farm Bureau is called the voice of agriculture.

In July 2019 we provided written comments expressing the serious concerns we had with staffgenerated amendments to WAC 246-203-130 related to animal waste. We found the amendatory language was too broad, exceeded the scope outlined in the originating CR-101, created opportunities for frivolous and expensive lawsuits, duplicated existing state and federal laws addressing manure management on ranches and dairies, impacted the protections provided to our farmers under the state's Right to Farm laws and created create an unfunded mandate on local governments.

The March 2022 version of the draft rule represents an improvement over earlier drafts, but still has internal problems that need to be addressed if the rule is to be eventually approved.

Here are the remaining areas of concern:

## • Expands authority of LHO beyond provided statutory authorities.

- In subsection (1) of the proposed rule it states, "The purpose of this section is to establish standards for the prevention, control, and abatement of <u>health hazards and nuisance</u> <u>detrimental to human health related to the disposal of domestic animal waste</u>..." (emphasis added). The proposed rule also states in (2)(g) that ""Nuisance" includes an act of omission that harms, endangers, or interferes with the <u>health or safety</u> of another person." (emphasis added). The inclusion of "safety" in this definition seeks to broaden the authority of local health officers far beyond what is provided in state law. Laws for worker safety are found in the authorizing statutes for Department of Labor & Industries.
- Wrong WAC cited for livestock manure management.
  - In subsection (3)(d)(i) it states that domestic animal waste from livestock that is collected and stockpiled for later use or disposal must be stored in a manner that controls odors and attraction of flies, rodents, and other vectors. In the "Significant Legislative Rule Analysis" presented to the BOH dated March 1, 2022, it states on page 3 under "Rationale for Determination" the following: "This standard incorporates by reference, without material

change, standards/rules of another Washington state agency. It incorporates requirements of the state solid waste rules, chapter 173-350 WAC, including WAC 173-350-320(6) regulating agricultural waste piles."

However, subsection (6) of WAC 173-35-320 is the wrong subsection since it is for "Piles used for storage or treatment – Permit requirements." In this section it does require the operator to ensure the facility is operated in a way as to control nuisance odors, as well as litter, dust, rodents, insects, etc. <u>However</u>, <u>subsection (6)</u> is the wrong section to cite since it addresses permitted activities. Agricultural wastes are addressed in subsection (2) under the title "Piles used for storage or treatment – Permit exemptions." This section includes the following language: "In accordance with RCW 70.95.305, facilities managing solid wastes in piles meeting the conditions listed in <u>Table 320-A</u> and the conditions of (a) of this subsection <u>are exempt from solid waste handling permitting</u>." (emphasis added). Table 320-A includes "Agricultural waste and on-farm vegetative wastes stored on farms." More importantly, subsection (2)(a)(ii) states that farms must "Manage the operation to prevent fugitive dust and the attraction of vectors..." WAC 173-350-100 further clarifies that subsection (2) is the appropriate language by defining agricultural waste to include livestock manure.

Please note that WAC 173-35-100 (2) does not include any requirement for odor control. Therefore, the addition of the requirement to control odor in your proposed rule has no legal or statutory standing and must be removed.

#### Violates the state's Right to Farm law.

The Washington State Right to Farm law states in RCW 7.48.305 that "agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance <u>unless the activity or practice has a substantial adverse effect on public health and safety</u>." (emphasis added). The proposed rule before you has no qualifying language such as this. Rather it provides a broad requirement the stored waste must be managed to control odors, whether a public health issue has been determined to exist. Is the premise behind the proposed rule that any and all odors present a public health risk? In addition, nothing in your documentation cites any scientific research, or state and federal laws to substantiate this expansion of authority. Please also note that RCW 7.48.310, also part of the Right to Farm law, includes odors as a normal, acceptable condition related to agricultural activities.

#### Additional specificity required

 In subsection (4), the proposed rule states that "Before taking enforcement action the local health officer <u>must attempt</u> to communicate with the person who may be in violation of this section in order to explore the facts and, if the local health officer determines that a violation has occurred, <u>allow the person reasonable time</u> to correct the violation." (emphasis added). We appreciate this language to allow for a conversation and the ability for additional information to be collected before enforcement action is taken. However, we are concerned that there are no details or specifics for what constitutes an "attempt to communicate" or what is a "reasonable time" to correct the violation. Additional specifics are needed to provide the required transparency for the overall process that will be used, and to increase justice and equity by ensuring all citizens are treated equally and that the rule is implemented in a uniform manner statewide.

## • Pasture livestock and Free-range grazing

- Earlier versions of the proposed changes to WAC 246-203-130 excluded both "pasture livestock" and "free-range grazing" from the requirements of this rule. The March 2022 version no longer specifically excludes pasture livestock. By what principles, proven health concerns, or medical or scientific findings did you justify the removal of pasture livestock from this exemption?
- For the purposes of this proposed rule, what do these two terms mean and what are the specifics or definitions that a LHO will use to determine whether livestock in a pasture fall into either of these two categories. Please note, that in general livestock producers do not use these terms. I encourage you to do a Google search for "free range grazing" and you will find pictures or written descriptions of pasture livestock. Free-range grazing is more popularly used as a synonym for organically raised rather than a rangeland management practice.

#### Inaccurate Small Business Economic Impact Statement

The data used to validate the SBEIS is woefully inadequate. Of the 1000 businesses identified to receive the cost survey, only 41 or 4.1 percent of the recipients responded. Worse yet, the USDA National Agricultural Statistics Service (NASS) has identified 12,656 farms in Washington that raise cattle or pigs. That means the BOH reached out to less than 8 percent of just the cattle and pig producers in the state identified by NASS. This does not even include farms that raise other types of livestock. This is clearly not enough data to adequately quantify the potential impacts of this proposed rule.

Given these serious issues, both technical and policy based, we request that the Board delay action on this proposed rule and create a work group with key stakeholders to help address the many problems that we and others have raised.

Sincerely,

Tom Davis Government Relations Director From: Sheryl Barbour Sent: 4/27/2022 9:25:36 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: keeping of animals

External Email

Please refrain from deciding this at this point without the input of those it will directly involved, both from recreational and business standpoints.

S A Barbour

Owner of a horse ranch, chicken laying producer and organic meat herd.

Sent from Mail

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.microsoft.com%2Ffwlink%2F% for Windows

From: Susan Turner Sent: 4/27/2022 11:40:08 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: More time needed

External Email

Please postpone the draft proposal from June's hearing and allow a work group/task force of stakeholders to convene and sort out the concerns.

Susan Turner

<https://drive.google.com/uc?id=10\_-UVJH0W9V\_A6pSq64y4xzzQr\_QlJzl&export=download> From: Kay MacCready Sent: 4/26/2022 3:13:16 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Draft on keeping lifestock

External Email

Please delay the proposal until further clarification of concerns. I'm a concerned livestock owner.

Kay MacCready

From: Carole Schuh Sent: 4/26/2022 10:15:07 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals Memo

## External Email

As a member and representative of Back Country Horsemen of Washington, I am requesting the draft proposal of the keeping of animals be postponed from June's hearing. I suggested a work group/task force of stakeholders will be allowed to convene and sort out the concerns prior to the hearing.

Thank you ~ Carole Schuh 2551 Drummond Rd Mesa, WA 99343 From: Janice W Sent: 4/26/2022 3:12:48 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Delay needed

External Email

The draft proposal on the keeping of animals and their waste products needs to be postponed. Having this on the June's hearing is rushing things to much as there are many unanswered questions. I believe that a work group needs to be formed that can address the many issues involved. Mixing livestock oversight with pets will not work. There needs to be uniformity of enforcement across the board, not leaving the decisions up to each individual health officer. These are just some of the many issues with this proposal.

Sincerely, Janice Williamson

Owner of a dog, a cat, and a horse.

From: Sandra Brabant Sent: 4/27/2022 10:53:32 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposal

## External Email

I think this a great idea, if there is adequate support. In my area there is no cost share availability, nor any place that takes waste. I worked with the conservation district in my area and they gave me plans for an appropriate size compose bin. The cost to build was \$15,000. That didn't include anyway to get the manure out, or anyplace to put it. I have spent at least 25,000\$ for a containment area, compost bins, and small tractor. I still at 57 years have to spread it myself. That is for 2 horses.

I used to live in King County Washington. Farm plans through the conservation district were free, and they cost shared 50%. They had a manure spreader that could be borrowed. With the pandemic and inflation, people are struggling financially. People aren't going to be able to afford what you are asking them to do.

So I think this will just create more problems than it helps.

Long term planning would be better. Help conservation districts have cost share funding. Get locations to take waste, help livestock owners financially to comply, and they will do it willingly. Animal waste is a difficult problem for everyone.

Sent from my iPhone

From: Lori Gese Sent: 4/27/2022 6:45:05 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Please postpone

External Email

Good morning, the new legislation being proposed about livestock waste is very concerning and confusing.

Please postpone the draft proposal from June's hearing. It seems that it would be most helpful to allow a work group/task force of stakeholders to convene and sort out the concerns. I don't think you realize the huge negative impact that the current proposal will have on so many small private homes who have livestock. Thank you for your consideration.

Respectfully, Lori Gese

Sent from my iPhone

From: Deanna Clark Sent: 4/30/2022 11:22:10 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: KEEPING OF ANIMALS memo

attachments\48F309B7B3E246C0\_image001.gif

External Email

Dear State Board of Health,

There are many unresolved issues/concerns regarding the Keeping of Animals. Example of concerns are: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

I am requesting that the draft proposal from the June meeting be postponed to allow a work group/task force of stakeholders to convene and vet out the concerns and make recommendations.

Please get back to me and let me know if you are honoring this request or have other avenues to resolve these issues. Thank you.

Deanna Clark

253.455.2073

From: Traci Stewart Sent: 4/28/2022 6:24:26 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals Proposed Rule

External Email

State Board of Health

I am hereby requesting you to remove the draft proposal from June's hearing agenda and suggesting you allow a work group/task force of stakeholders to convene and sort out the concerns before returning it to the agenda.

My concerns include: mixing livestock oversight with non-livestock; unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and many more.

Traci Stewart PO Box 572 Deer Park, WA 99006 From: Verna Sent: 4/29/2022 10:31:17 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: animal waste

External Email

Hello,

Please delay the Draft Policy proposal in June so that a work group/task force is formed to vet out BackCountry Horsemen's concerns..

Thank you for your consideration of this,

Verna McLeod

From: SONDRA JOHNSTON Sent: 4/26/2022 1:34:16 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Draft policy proposal

External Email

Delay any final recommendations till sometime 2023 to allow complete study of issues without a rush job so all concerned citizens can be heard

Sent from my iPhone

From: Dean or Martha Effler Sent: 3/30/2022 4:56:46 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals Rule/Domestic Animals Waste

## External Email

The Washington State Department of Health is in the process of failing to protect the health and well being of thousands of state citizens. By changing the focus of the rule to domestic animals and leaving out the huge herds of dairy cows in Yakima County, the department is ignoring the largest source of ground water pollution in the state. In the past, the Washington State Department of Agriculture has wrongfully been given the responsibility to monitor the CAFO permits that are formulated by The Washington State Department of Ecology. They dedicate inadequate manpower to monitor manure management and virtually never do anything to protect ground water sources because their mission is to promote agriculture and not encumber it with added requirements. WSDA seems to be disinterested in truly protecting domestic wells that are contaminated with nitrate. The Washington State Department of Ecology seems to have great political pressure put on them to produce a weak CAFO permit. During the writing phase of the permit, Ecology employees sit down with environmentalists and smile at our suggestions regarding protection of aquifers, but when the final permit comes out it contains less than 5% of the recommendations of environmental groups. Instead the permit is so weak that ground water pollution is allowed to continue. This issue was brought to the Washington State Appeals Court and the court agreed. The court required that Ecology rewrite the permit with stronger measures that protected domestic wells.

Just remember how bad the situation is in the lower Yakima County. 20% of domestic wells are not drinkable because of nitrate. If you live one mile down current of large CAFOs, 60% of the wells are contaminated. This is true because manure lagoons are not lined with synthetic barriers and the industry produces so much manure that the manure is applied to lands that already has too much nitrogen in the soil. A federal court judge many years ago in Yakima County agreed with this assessment and required the owners of the four dairies to change their dairy practices.

So the citizens of Yakima County had only one agency left to protect their wells from contamination and that was the Washington State Department of Health. It looks like the Washington State Department of Health has taken the same road as the WSDA and Washington State Department of Ecology and is buckling in to the wealthy, politically influential dairy industry and is failing to do anything to protect the health of the citizens of the lower Yakima Valley. You should be ashamed of yourselves. Is there not one agency in state government that will stand with the common man and against the polluting dairy industry?

From: Joan Fleming Sent: 4/26/2022 11:48:51 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed BOH Animal Waste Rule Comment

#### External Email

I am a homeowner on 5 acres just north of Rochester and have my horse on this property. I am also a member of Back Country Horsemen of Washington (BCHW) with whom your staff has met and otherwise communicated with along with Legislative representation and other interested organizations such as WA Cattlemen's Assoc., Farm Bureau, and likely others.

I agree with the concerns of BCHW such as mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officers) and more.

I compost my horse's manure and share the composted product with my neighbors for their garden as well as spreading it on my pastures twice a year. I am not adjacent to any streams, rivers, ponds, lakes, etc. The rule does not clearly allow composting and spreading livestock manure. Livestock are herbivores. Their manure does not have the pathogens that are present in carnivores such as dogs and cats. If this rule does not clearly state that the composting and spreading of livestock manure is allowed, it will be up to local health officers to make this judgment which will likely be different from jurisdiction to jurisdiction. If I will be required to annually remove my horse's manure, the cost will be prohibitive.

I, also, would ask that the BOH delay the Draft Policy proposal in June and that a work group/task force is formed to vet out these concerns.

Thank you for your consideration.

Joan Fleming Rochester, WA 360-273-8266 From: Sheila Blakely Sent: 4/27/2022 7:57:08 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: re: Animals waste Dept of Health

External Email

Dear Sir or Madam:

I would first like to ask that this proposal by the Dept. of Health on keeping animals, waste would be postponed until a work group to study this issue and concerns has been formed. Farmers, ranchers and others who keep animals are already usually very concerned with keeping their animals healthy and their properties environmentally friendly. Most of us use animal waste (horse, cattle, goat, sheep etc.) by composting it and incorporating it back into the soil.

Often people who make complaints about animal keeping have no idea what is involved. They often think country life looks fun, then move to a place where suddenly they are seeing flies and smelling animals. I don't think that it would be fair to suddenly tell the rancher to change his way when the city dwelling moves into the area.

I would like to see the work group have many members that are experienced animal keepers on it so that the issues that will be involved will be grounded in reality. Do you eat steak? Pork? If so, then we need to keep our producers from having to deal with over involvement from someone who doesn't understand the issues.

Thank you Sheila Blakely Backcountry Horsemen of Washington From: carol fields Sent: 4/30/2022 2:49:13 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

External Email

please delay the Draft Policy proposal in June and that a work group/task force is formed to vet out our concerns. if this proposal is passed, I am voting to move my paycheck (and most of my horsemen friends also) out of this state. We have had enough. Carol Fields Graham, WA

Fight organized crime: Re-elect no one..

From: Brian Schlottmann Sent: 5/2/2022 2:23:24 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comments on Domestic Animal Waste



allaciments yozrozorrcro4405\_image002.jpg

attachments\2305DFA1A956408C\_image004.jpg

External Email

Thank you for the opportunity to review and provide comment on this rule revision.

In general, I think these are good changes and they support the protection of human and environmental health. In our county, the majority of complaints that we received on the topic of animal waste, is with regard to household pets and either the burial of dead animals or storage/disposal of pet waste. The language you're proposing here supports the changes we're pursing locally however we have slightly varying definitions.

I do see our County citing this code if its adopted prior to our local code adoption as well as in the future depending on the situation and need for state supported enforcement. There are specifics within your proposed code that we may likely incorporate language you've used – specifically on the type of storage noted in 3(C)(i and ii).

If interested, here is the language we're pursing in Clark County:

# 24.12. 245 Animal Waste Handling

1. Disposal of Dead Animals. Dead animals shall be handled and disposed of in a manner consistent with WAC 246-203-121

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapp.leg.wa.gov%2FWAC%2Fdefau 203-

121&data=05%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C10ef5535eda749e3508f0 . The owner of the animal or the owner of the property on which the animal is found must immediately cover and properly dispose of the carcass within 72 hours after the death or discovery. The carcass shall be disposed of by burial, landfilling, incineration, composting, rendering, or another method approved by health officer that is not otherwise prohibited by federal, state, or local law or regulation. disposed of as municipal solid waste.

i. Animals weighing more than 30 pounds may be disposed of as municipal solid waste at an approved solid waste handling facility with prior approval from the facility.

b. Animal Burial Sites. Burial of dead animals shall comply with the following:

i. Ensure the burial site is at least 100 feet away from any drinking water well, spring, stream, lake, surface water and/or water body;

ii. Cover the carcass by at least three feet of soil;

iii. Cover the carcass in a manner to prevent other animals from digging up the remains;

iv. Envelop the carcass in unslaked lime in cases of death from a communicable disease and comply with all applicable federal, state and local regulations;

v. Animals may not be buried in a manner likely to contaminate ground water. This includes but is not limited to areas designated as wetlands or hydric soils and in areas with equal to or less than 10 feet to surface water per Clark County GIS.

vi. If more than expected animal deaths occur, the owner operator shall report the incident to Public Health. In the event of more than expected animal deaths, approval or on-site burial will be determined by the health officer on a case-by-case basis.

2. Animal manure (feces) and bedding. Handling and disposal of animal manure and pet waste shall comply with the following requirements:

a. Agricultural waste handling and on-farm vegetative waste.

i. The duration of storage of the entire pile is limited to one year.

ii. Limited to the amount that will be applied to a site during a oneyear period.

1. Subsequent accumulation under the same conditions is allowed at the same location after the entire pile has been used.

iii. Shall not be allowed to accumulate in any place where it can negatively impact any source of drinking and/or surface water.

Ensure the pile is located at least 100 feet away from any drinking water well, spring, stream, lake, surface water and/or water body.
 Agricultural waste may not be stockpiled in areas designated as wetlands or hydric soils per Clark County GIS.

, , ,

b. Non-agricultural handling (i.e., household pets).

i. Shall be stored and disposed of in a manner which does not create a public health nuisance or pollute surface waters of the state;

ii. Shall be removed at a frequency sufficient to not create a public

nuisance or at a minimum of once per week;

iii. Should be bagged, containerized and disposed of through routine garbage service or at a local transfer station

iv. Pet waste shall not be disposed of in a domestic on-site sewage system or to a sewer treatment facility via the sanitary sewer system without Public Health approval.

Thanks again,

Brian

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.clark.wa.gov%2F&data=05%">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.clark.wa.gov%2F&data=05%</a>

Brian Schlottmann | he I him I his

Environmental Health Director

PUBLIC HEALTH

564-397-8258

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2Fpages%2F County-WA%2F1601944973399185&data=05%7C01%7CWSBOHProposedAnimalWasteRule%40sboh.wa.gov%7C1

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<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.youtube.com%2Fuser%2FCl">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.youtube.com%2Fuser%2FCl</a>

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From: Teresa Crossley Sent: 4/27/2022 7:22:49 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Livestock waste proposal

External Email

Dear Sir/ Madame,

The proposal concerning livestock manure is missing several important points of reason and enforcement. I won't address them all here but rather I will speak to some concerns I personally have.

As a horse owner, manure is removed from pasture on a regular schedule and collected in roll-offs and later transported to a composting facility. All horses owners I know, do pretty much the same thing with manure from their ranch. A few compost on site.

Horses eat grass and seed (grain). That's all. No meat or meat byproducts. Their manure is not rife with the nasty germs which cause contamination to local waters from runoff. (Even if I did not practice the removal of manure from pasture it would not create an illness causing situation.)

Removal of manure from livestock trails or paved woodland trails is primarily a safety concern. Riders cannot carry a rake and bag with them. How on earth would something so cumbersome be safely attached to a horse? Flapping bags and side-banging rakes are just the ticket for an ambulance ride to hospital!!

Most trail riders really try and move their horses off to the side of ODT, but there is most commonly no dirt side or too narrow side area to be found!! Short sighted planning. This problem can be rectified by clearing a 6-8 foot wide path alongside the paved trail. Horses prefer walking on dirt to asphalt anyway. Not only is horse manure broken down and partially consumed by birds within a few days but it also does not contaminate, as previously stated.

Please don't make any decision with out full consideration! Establish a bipartisan comittee/ panel to include livestock owners for knowledgeable discussion of this subject.

Sincerely, Teresa Crossley

Sent from the all new AOL app for Android <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fplay.google.com%2Fstore%2Fapp

From: Alynne Prins Sent: 4/30/2022 12:06:29 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: 7A2F2F8D-6086-4C5F-9938-71AD840D7900

External Email

Please postpone draft proposal from June's hearing and allow a work task force of stakeholders to convene and sort out concerns. Thank you, Alynne Prins Livestock Owner, Snohomish. From: Tammi Chappell Sent: 4/29/2022 11:29:53 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of animals

External Email

Hello,

I would appreciate if you would postpone this issue for now. I'm a horse owner would like to be more educated on this issue and what is expected of us .Also, many horses owners do not belong to a chapter who aren't aware of the this issue. This would give us more time to be educate and educate non chapter members so the can vote too.

My other concern is homeless waste/ trash is now appearing in our woods/trails. For example, we have a homeless persons living at Danville woods, possibly 3 .There has been three different tents at Danville in different areas in the woods.

Please understand, horses are part of the land that belong here. Housing developments destroy more land than horse manure.

Thank you, Tammi From: Lisa Miniken Sent: 4/30/2022 1:03:47 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Concerns regarding proposed policy for the Keeping of Animals

External Email

To whom it may concern,

As a member of the Backcountry Horsemen of Washington and as a property owner of a small horse property in unincorporated King County, I share many concerns with other people in similar situations regarding the proposed policy. Along with others, I ask that you delay the draft policy proposal and form a task force to hear concerns from many people such as myself.

I live in an area where acreage and hobby farms are slowly being phased out in favor of large homes and neighborhoods. Although my horse property is legal and setbacks are respected, I'm concerned about the vagueness of the current policy proposal. My barn is situated close to my neighbor's house so what if she complains about a smell, even though none exists due to responsible horse-keeping? What if another neighbor decides to complain because they don't like the "look" of horse property?

The current policy is too vague. Please take into account the reality of small livestock farms in the area and put some more thought into a proposal that will work for everyone.

thank you, Lisa Miniken Redmond, WA 206-399-7134 From: Mary McHugh Sent: 4/26/2022 6:47:25 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Please delay any decision at this time

External Email

There are most difficult complications due to weather, elevation differences, comparisons of coastal rain forests, and dry desert like conditions in eastern Washington. Cannot make one rule to cover the whole state of Washington.

Please delay any decisions on this matter. I feel it should be a county decision. Seattle does not compare to Okanogan County, rural verses city can have diverse differences. This is not a state wide ruling that can be passed. Mary McHugh 19 Poorman Cr Cut-Off Rd Twisp, WA 98867 From: Sally Kiger Sent: 4/27/2022 9:54:16 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: URGENT Dept. of Health Keeping of Animals/Waste

attachments\F0B1D3C56B034015 image001.gif

External Email

I have a small 1 acre hobby farm. I don't sell anything but I have ducks, chickens, horses and dogs. I have a small garden where I grow a lot of my own vegetables, I have a couple fruit trees.

I am very concerned about mixing equines in with domestic animals. Although they seem like pets they ARE NOT PETS in any way. They are working animals. They earn money (although not their keep) they take us hunting, up and down mountains for search and rescue missions, they work with us as parking lot attendants on occasion. When their world hits the fire, they REACT as a prey animal, barreling through fences, and running wild.

I definitely understand the issue with the waste they produce. We actively pick our bedding so we can compost their manure. The chickens do an excellent job of churning the piles, and I get beautiful soil for my garden.

I am asking that you put off ruling on this decision and make research groups/task force of all types of equine owners, Farmers, etc. to better understand how different decisions will effect the different users you have in this state.

Equines have always been farm animals and not pets. Just like cattle, Llama's, goats, and sheep. Everyone of those animals can technically be classified as both pets and farm animals.

Please do more research and reach out to all the communities.

Sally Kiger

AAS – Paralegal,

Paraeducator MMHS ext. 7761

C: (360) 749-1584

Kigersallyj@gmail.com <mailto:Kigersallyj@gmail.com>

From: Linda Knutson Sent: 4/13/2022 9:01:23 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Proposed changes to Keeping of Animal Rule

External Email

The following letter is to be distributed to a number of news media in Washington State.

I'm writing to call to your attention dramatic and alarming changes the Washington Department of Health (WDH) is proposing for WAC 246-203-130. This rule is currently titled, "Keeping of animals", but the proposed new title will be "Domestic animal waste". As the new title indicates, the WDH will no longer regulate the pollution caused by farm animals. Instead, they will focus entirely on the waste produced by domestic animals such as cats and dogs. A copy of the document, with the proposed changes, shown as strikeouts, is attached to this email.

There are approximately 200,000 dairy cows in the Lower Yakima Valley (LYV), and managing the mountainous volumes of manure they produce daily, is a logistical and environmental nightmare. It's ludicrous to assume the waste produced by family pets is significant when compared with the voluminous waste produced by factory farm animals!

For many years, the dairies have polluted the groundwater in private domestic wells in the LYV by allowing their manure lagoons to leak, and by over-appliying manure to agricultural fields. An award winning article published by reporter Lea Beth Ward in the Yakima Herald Republic (YHR) in 2008, titled "Hidden Wells, Dirty Water", documented the plight of the underprivileged residents of the LYV who were unable to drink their well water because of the pollution from the dairies. At that time, about 70 wells were polluted. Currently, over 200 domestic wells are polluted, and the number increases yearly. These residents are forced to either use bottled water, or install a water purification system.

The proposed changes in this document will allow the WDH to absolve itself from regulating the pollution caused by farm animals, and abrogate its responsibilities for protecting the health of the public. I hope you can help make the general public aware of this proposed change. Thank you for your time

Ron Sell, 15280 Douglas Road Yakima, WA 98908 (509) 930-2055

PS, I also sent this letter to the YHR and the Seattle Times Tip Lines. investigations@seattletimes.com

Philip Ferolito Reporter / Yakima County Government, Lower Valley Tel: 509-577-7749 Email: pferolito@yakimaherald.com Sent via the Samsung Galaxy S20 FE 5G, an AT&T 5G smartphone

From: Glasoe, Stuart D (SBOH) Sent: 5/4/2022 9:57:40 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: CR 102 Domestic Animal Waste

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: DOH WSBOH <WSBOH@SBOH.WA.GOV> Sent: Wednesday, May 4, 2022 9:21 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: FW: CR 102 Domestic Animal Waste

Hey Stuart,

Forwarding a comment pertaining to KoA that Kaitlyn received on Sunday (see attached).

There were 2 other emails about KoA sent last week from people. I saw that they emailed the WSBOHProposedAnimalWasteRule@sboh.wa.gov <mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov> those times so I didn't forward to you directly – did you see those? Those two were sent from Saundra Richartz and Ron/Barbara Downing (PCCHCH Memberships).

Nathan Thai

Communications Consultant

Washington State Board of Health

Nathaniel.Thai@sboh.wa.gov <mailto:Nathaniel.Thai@sboh.wa.gov>

360-463-8928

Website <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01 , Facebook <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FWASBOH8

, Twitter <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0

Message was attached to: FW: CR 102 Domestic Animal Waste

From: Donahoe, Kaitlyn N (SBOH) Sent: 5/1/2022 6:04:37 PM To: DOH WSBOH Cc: Subject: Fwd: CR 102 Domestic Animal Waste

Get Outlook for iOS <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2Fo0ukef&data=05%7C0

From: Jon Borcherding <jonreadsitall@protonmail.com> Sent: Sunday, May 1, 2022 3:32:34 PM To: Donahoe, Kaitlyn N (SBOH) <kaitlyn.donahoe@sboh.wa.gov> Subject: CR 102 Domestic Animal Waste

External Email

The Washington State Board of Health has chosen a remarkably inopportune moment to address what is described as a long-standing issue.

With supply-chain problems and fertilizer shortages affecting the global food supply, many experts including the Biden Administration are predicting food shortages. The recent destruction of at least 12 major food production plants will likely also contribute to food shortages. The nation's railways are refusing shipment of nitrogen fertilizers during the current planting season. The FBI has just released a bulletin outlining the threat of cyber attacks against agricultural facilities. There is NO shortage of threats to America's food supply.

In addition to the looming specter of food scarcity is the alarming rate of inflation which disproportionately impacts the poor by making food more and more unaffordable.

In an effort to stave off shortages and hunger, many homeowners are engaging in small scale food production i.e., vegetable gardens, raising chickens, rabbits, pigs, goats, sheep, etc. Any new regulation that impedes the homestead production of vital food resources is bound to be met with fierce resistance.

In an era when we are experiencing global shortages of nitrogen fertilizers due to foreign conflict, it seems like a good time to review our attitudes about animal waste products and learn to treat them like the resource they are.

There are already laws on the books regarding proper animal husbandry and the Board would be well advised to address current problems within the existing framework. New rulemaking at this time is also bound to lead to increased cost to the taxpayer at a time when we are seeing record inflation.

Has the Board estimated the cost of enforcement of new proposals? Surely there is an awareness that commissioned law officers and search warrants will be necessary to

investigate the disposition of animal waste on private property?

Also at issue is the credibility of the Health Department. It is not reasonable to expect homeowners to accept heavy handed regulation of traditional food production activities on their private property, particularly at a time when homestead food production may be key to survival. One can easily imagine the erosion of respect resulting from any attempt to use government force to hinder necessary farming activity.

I strongly urge the Washington State Board of Health to delay the Draft Policy proposal scheduled for June 2022. I believe it is in the best interests of all citizens that a work group or task force is formed to study the concerns of all stakeholders and advise the Board prior to the drafting or adoption of any new rules regarding the keeping of animals.

Sincerely,

Jon M. Borcherding

Roy WA

From: Phillips, Theresa (DOH) Sent: 5/2/2022 4:04:28 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: Animal Waste Rule Comment Letter



attachments\29F7928C8DE64C7F\_2022-05-02-SBOH-Animal Waste-Letter.pdf

attachments\72445544AB834E51\_image001.png

Dear Board Staff:

I am submitting the attached letter on behalf of Lauren Jenks, Assistant Secretary, Division of Environmental Public Health, Department of Health.

Thank you for the opportunity to comment on this important environmental public health rulemaking.

Theresa Phillips

Regulatory Affairs Manager

Office of the Assistant Secretary

Division of Environmental Public Health

Washington State Department of Health

theresa.phillips@doh.wa.gov <mailto:theresa.phillips@doh.wa.gov>

360-236-3147 | www.doh.wa.gov

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From: Kathy Russo Sent: 4/26/2022 5:40:18 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste

External Email

I respectfully request that the draft proposal from June's hearing be postponed. There are numerous concerns which should be addressed with all those who are affected by our current laws as well as these new proposals. Kathy Russo

From: Donna Hollatz Sent: 4/26/2022 12:57:21 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Please Delay Keeping of Animals Bill

External Email

Dear Legislators:

The current bill has many pitfalls, from the fact that it actually concerns "Livestock" rather than "Public Health" to the lack of coordination for Enforcement of any provisions. Please get a group task force together of Farmers/Cattlemen/Equestrians as well as urban dwellers to do a better job before passing this legislation. I don't believe that a workable solution can be accomplished by the current June deadline, so set a reasonable alternative and have knowledgeable, involved citizens work on this to avoid many nightmare situations. Livestock waste is much different than dog and cat feces and needs to be treated for what it is. Back Country Horsemen of Washington is a huge group of concerned citizens who should be involved and heard in this discussion. We are volunteers with an environmental conscience who provide many hours of service to state and federal agencies with our equines.

Jim & Donna Hollatz, BCHW-PNC 360-457-6694 Clallam County Residents From: Bobette Knapp Sent: 4/27/2022 8:37:04 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals - Comment

External Email

I am requesting that you postpone the draft proposal from June's hearing to allow a work group/task force of stakeholders to convene and sort out the concerns. Among those many concerns are mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Bobette Knapp

Orting, WA

Horse Owner

**BCHWA Member** 

From: Glasoe, Stuart D (SBOH) Sent: 5/9/2022 11:11:15 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Upside Down letter, Back Country Horsemen

*attachments\44AA9CFF47CD4D3B\_Animal Waste Letter to BOH.pdf* 

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Hisaw, Melanie (SBOH) <Melanie.Hisaw@sboh.wa.gov> Sent: Friday, May 6, 2022 4:11 PM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Cc: Herendeen, Lindsay (SBOH) <Lindsay.Herendeen@sboh.wa.gov> Subject: RE: Upside Down letter-done

Happy to help.

-Melanie

From: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov <mailto:Stuart.Glasoe@sboh.wa.gov> > Sent: Friday, May 6, 2022 2:45 PM To: Hisaw, Melanie (SBOH) <Melanie.Hisaw@sboh.wa.gov <mailto:Melanie.Hisaw@sboh.wa.gov> > Cc: Herendeen, Lindsay (SBOH) <Lindsay.Herendeen@sboh.wa.gov <mailto:Lindsay.Herendeen@sboh.wa.gov> > Subject: Upside Down letter

Melanie, the attached email includes a comment letter on the animal waste rule. It's upside down and I don't seem to have access to the tool in my version of Adobe reader to rotate it. Can you rotate and send it back so I can read and catalogue the comments? Thanks.

Health Policy Advisor

Washington State Board of Health

stuart.glasoe@sboh.wa.gov <mailto:stuart.glasoe@sboh.wa.gov>

360-236-4111

Website

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2F&data=05%7C01 , Facebook

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<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0

From: Mitzi Schindele Sent: 4/28/2022 12:48:14 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: BCHW COMMENT ON KEEPING OF ANIMALS

*attachments*\65E27C869D2D4497\_Animal Waste Letter to BOH.pdf

External Email

From: Debra Hawkins Sent: 4/27/2022 3:26:38 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Postpone until we can work together!

External Email

Hello,

I would like to ask that you postpone the draft proposal from June's hearing. Please allow us to work as a united front to sort out the concerns that are out there. We want to work together for the good of all!

Take care,

Debra Hawkins

Back Country Horseman member and horse owner

From: Glasoe, Stuart D (SBOH) Sent: 5/13/2022 10:51:46 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: SBOH Keeping of Animals Rule clarification of comments

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: McLain, Kelly (AGR) <KAardal@agr.wa.gov> Sent: Friday, May 13, 2022 10:35 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: SBOH Keeping of Animals Rule clarification of comments

To the State Board of Health,

I am writing to clarify the position of WSDA on the proposed rule for WAC 246-203-130, the Keeping of Animals.

I would like to start by expressing my appreciation of your staff and their regular work with WSDA over the past four years on the content and intent of this rule. Subject matter expertise from WSDA has been regularly sought and used in this process and that is evident in the proposed rule. WSDA stands neutral and not opposed to this rule as drafted. Our comment letter was intended to provide for the record a robust accounting of the many programs and projects that touch on this topic, and our support of continued collaborative approaches where possible. Please feel free to follow up if you have additional questions.

Sincerel	у,
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Kelly

Kelly McLain | Legislative Liaison/Policy Advisor

Washington State Department of Agriculture

Cell: 360.359.8091 | kmclain@agr.wa.gov <mailto:kmclain@agr.wa.gov>

From: Tim and Paula Keohane Sent: 4/29/2022 11:51:54 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comment on proposal

### External Email

We are horse owners and land owners living in rural WhidbeyIsland. We purchased vacant land in 1993 with intent on building home for ourselves where we could also have our horses. Our first effort after sale was final was to contact the Whidbey Island Conservation District to ask them to help us develop a plan for locating barn, corrals and pastures so that we could minimize impact and extend gazing months on the 15 cleared acres. We also sought advice on management of the forested acres. That farm management plan which included manure compost facility, subsequently update 3 times, has served us and the land very well. The management of horses waste is not in any way related to management of dog and cat waste. In fact composted horse manure is a valuable soil amendment. Not so dog and cat waste. I ask you to reconsider including horse waste in your Health Department regulation as it will interfere with the existing very successful and accessible to all programs and services existing already through the conservation districts.

At the very least, postpone consideration at your schedule June date. Paula Keohane

Sent from my iPad

From: B. D. Sent: 4/30/2022 7:51:48 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: PleaseDelay

External Email

We as Equestrians have many concerns in regards to recent ramrod proposals and how it affects us or may affect us. We respectfully please ask that the Draft Policy proposal be delayed to at least June and that a work group/task force is formed to vet out our concerns. Sincerely, Barbara & David Dorning BCHWA-Members

Sent from my Verizon, Samsung Galaxy smartphone Get Outlook for Android <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2FAAb9ysg&data=05%7 From: Rosemary Corn Sent: 4/26/2022 3:03:04 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Manure handling proposal

### External Email

Please postpone June meeting until we attain more information. Thank you Rosemary Corn of rattlesnake ridge riders backcountry horse man group .

From: obard31@gmail.com Sent: 4/28/2022 5:07:41 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste rule making

### External Email

To whom it may concern: I'd sure like see a work group or task force made up of stakeholders implemented in order to address concerns and ideas about animal waste in the State of Washington. It is very concerning that the State would allow counties to address this issue without a uniform manner or guidelines. Please delay the vote on this and implement a work group. I'd consider being on that workgroup if you were looking for help. Thanks for your time. -Andy Faubion From: WCA Executive Vice-President Sent: 4/29/2022 3:02:06 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: WCA Comments on WSBOH Proposed Rule on Keeping of Animals

attachments\157FC94563D548E3\_WCA Comments SBOH Animal Waste 042922.docx.pdf

External Email

On behalf of the Washington Cattlemen's Association, thank you for the opportunity for WCA President, Jeff Keane to provide comment on the SBOH proposed rule on Keeping of Animals.



P.O. Box 96 • Ellensburg, WA 98926 • 509-925-9871 • Fax 509-925-3004 WACATTLE@KVALLEY.COM • WWW.WASHINGTONCATTLEMEN.ORG

To: Washington State Board of Health

Date: April 29th, 2022

Re: Keeping of Animals – WAC 246-203-130

Dear Members, Washington State Board of Health:

I was just briefed by our lobbyist that represents the Washington Cattlemen's Association in Olympia about the meeting he attended with legislators and your Chair and staff regarding **WAC 246-203-130** Keeping of Animals.

While we acknowledge the Board's efforts to address grazing, we stand by our original assertion that this is unnecessary rulemaking on an already heavily regulated industry. In addition, we would point out the following:

### Outreach on the Small Business Economic Impact Statement appears to be woefully inadequate -

I cannot name one rancher that was reached out to on this issue, and I don't believe receiving 41 responses out of 1000 contacts really meets the straight-face test as far as stakeholder input.

### Likely violates the state's Right to Farm law -

Unfortunately, in today's world, farmers and ranchers are often under attack from some in the environmental community, who don't seem to fully understand production agriculture. This has led to much consternation when urban-minded citizens move from city to country and don't find it to meet their idyllic vision. Fortunately, farmers and ranchers are protected by the state's 'Right to Farm'' law. However, we fear this new proposal may be used as another tool to attempt to drag ranchers into court.

## While we acknowledge the attempt to address grazing, there needs to be stakeholder input to clarify terms-

The current proposal references "free-range grazing", which is a term unfamiliar to us. We use the term "open-range grazing". In addition, an earlier version included pasture grazing and yet was removed from the current proposal. While open-range grazing would describe grazing where fences are built to keep livestock out, we would consider pasture grazing to describe fences being built to keep livestock in. This needs further discussion with stakeholders.

## The WCA requests that the Board delay action on this proposed rule and create a workgroup with key stakeholders –

Rural citizens deserve a voice on the Board that can speak to agriculture and rural issues. We don't believe that currently exists. To balance that, we would request that a stakeholder workgroup that can



speak to the proposed rule with expertise in agriculture issues, be included as members of the workgroup.

Sincerely,

Jeff Keane

Jeff Keane, President Washington Cattlemen's Association From: Bob PETERS Sent: 4/29/2022 9:17:56 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Re: Animal Waste rule

External Email

This may not be an acceptable form for comment, but I'm surprised that there doesn't seem to be any mention of people keeping animals (poultry, etc.) in residential neighborhoods.

There are probably very few backyard chicken pens that aren't feeding as many rats as chickens.

Robert Peters Puyallup From: lourie boltz Sent: 4/26/2022 10:52:47 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

External Email

Please delay the ruling of this issue so more discussion and information can be pursued. There is much more fact finding and possible solutions that must be reviewed in fairness to the thousands of urban and rural animal owners. As a responsible horse owner and member of Back Country Horseman of Washington this is very important to me.

Best regards, Lourie Boltz From: Alyssa Barton Sent: 5/2/2022 5:33:57 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: Keeping of Animals



attachments\1E8AC39F246D4892\_Outlook-1483573618.jpg

attachments\F5BA1392FAC34EFB\_SBOH comment letter final 5.2.22.pdf

External Email

Good evening:

Please see the attached from Puget Soundkeeper. Should you have any questions or concerns, please do not hesitate to reach out at 206-297-7002 ext 114.

Regards,

Alyssa Barton (she/her/hers) Policy Manager Puget Soundkeeper Alliance 130 Nickerson Street, Suite 107 Seattle, WA 98109 (206) 297-7002 x114 alyssa@pugetsoundkeeper.org <mailto:julie@pugetsoundkeeper.org> <mailto:julie@pugetsoundkeeper.org> www.pugetsoundkeeper.org <mailto:julie@pugetsoundkeeper.org> Mr. Stuart Glasoe Washington State Board of Health 111 Israel Rd. SE Tumwater, WA 98501 Via email to: <u>stuart.glasoe@sboh.wa.gov</u> Also submitted to: <u>WSBOHProposedAnimalWasteRule@sboh.wa.gov</u>

May 2, 2022

### Re: 2022 Draft Rule Revisions, WAC 246-203-130 Keeping of Animals

Dear Mr. Glasoe:

Puget Soundkeeper Alliance (Soundkeeper) is a 501(c)(3) non-profit environmental organization, with a mission to protect and enhance the waters of Puget Sound for the health and restoration of our aquatic ecosystems and the communities that depend on them. Founded in 1984, Soundkeeper was a founding member of the international Waterkeeper Alliance and today has more than 8,000 members, supporters and volunteers who use and enjoy Puget Sound's marine waters and freshwater tributaries, for commercial, general recreational and aesthetic purposes. At least 176 of our supporters are known to live in communities with permitted Concentrated Animal Feeding Operation (CAFO) facilities; hundreds more live in communities with unpermitted agricultural operations.

Our constituents, and thousands of residents throughout the State of Washington, are at risk due to the failure of our State's regulatory agencies to protect against the public health and environmental harms caused by the keeping of animals. The Board of Health has a unique authority and responsibility to "assure safe and reliable public drinking water and to protect the public health" (RCW 43.20.050 (2)(a)), as well as to "adopt rules and standards for prevention, control, and abatement of health hazards and nuisance related to the disposal of human and animal excreta and animal remains" (RCW 43.20.050 (2)(c)), and to "adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule." (RCW 43.20.050 (2)(f).

We oppose the Washington State Board of Board of Health's (hereinafter "the Board's") draft rule revisions to WAC 246-203-130 (the "Rule"). We oppose the narrowing of the title and scope of the Rule from "Keeping of Animals" to "Domestic Animal Waste" as we disagree with the premise that the Board's unique authority is best suited to local regulation of smaller-scale activities and practices around animal waste alone. We are also concerned that the proposed revisions dramatically weaken existing public health and nuisance protections; fail to set adequate minimum standards to protect the public health from various risks associated with the

keeping of animals; and completely disregard the real and existential public health threat of climate change – a threat that can be exacerbated by the keeping of animals and, in particular, by industrial farm operations – or the environmental justice implications of the Rule.

# 1) The Board's regulatory authority and responsibility extends beyond managing animal waste.

The original Rule, entitled "Keeping of Animals", was broader than the newly proposed title of "Domestic Animal Waste." In its Background and Policy Recommendations document,<sup>1</sup> ("Backgrounder") without sufficient explanation or supportive rationale, the Board recommends that "the rule should focus on practices involving the handling, storage, and disposal of livestock manure and other domestic animal waste generated on site (not off-site manure transport and use) that present a clear health, sanitation, or nuisance problem." (at 25). We disagree.

Keeping animals can produce dust, odors, haze, and noise; contribute to the spread of disease from both direct and indirect contact with animals and their waste; contaminate soils; contaminate drinking water, groundwater, and surface water; and contribute to climate change through the emissions of greenhouse gasses. These constitute public health hazards and nuisances. Air pollution, water pollution, drinking water contamination, disease, sickness, and disturbances caused by the keeping of animals results in diminished quality of health and life for those affected. The Board documents these risks and more over seven pages in its Backgrounder with more than 100 unique research articles on topics, but then fails to address most of these hazards in the draft revisions.

We object to the narrowing of the title to "Domestic Animal Waste", as an abdication of the Board's responsibility to protect the public health from the aforementioned health hazards and nuisances that may be unrelated to the management of animal waste alone. We also see no justification for excluding off-site manure transport and use from regulation, as the hazards and public health implications of animal waste do not simply disappear as it crosses a property line. We encourage the Board to leave the Rule title as-is, and to assess and regulate the health hazards and nuisance impacts of activities including but not limited to feeding, watering, housing, and transporting animals as well as their waste, to protect communities and public health.

# 2) The draft Rule revisions dramatically weaken or entirely removes existing public health and nuisance protections.

The Washington State legislature has directed the Board to regulate the storage of animal waste to protect human health. RCW 43.20.050 (2)(c)). The current Keeping of Animals rule reads as follows:

WAC 246-203-130 Keeping of animals.

<sup>&</sup>lt;sup>1</sup> Keeping of Animals Background and Policy Recommendations of the Washington State Board of Health

- (1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.
- (2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.
- (3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

The draft revisions strike all of this language. In so doing, the Board proposes to dramatically scale back current requirements by:

- eliminating broad public protections against nuisances caused by the keeping or sheltering of animals (current section 1) and replacing them with protections limited to animal waste (draft section 1)
- eliminating strong stable waste collection, storage, and removal requirements (current section 2) and replacing them with vague and poorly defined requirements to collect animal waste containment areas (draft section 3a)
- striking strong and broad public health protections for drinking water (current section 3),

We object to the elimination of language in current sections 1-3 of the Rule. Rather than backsliding, the Board should build on these foundational protections, implementing clear minimum standards to ensure the intent of these protections is assured in light of modern-day animal-keeping practices and the extensive data on the nature and scope of the problems it causes - as documented in the Board's Backgrounder.

### 3) The draft revisions lack strong minimum standards to protect the public health.

The Board should build on the existing regulations to create stronger minimum standards to protect the public health and prevent nuisances. For example, the Board could keep existing sections 1 and 3 intact and expand section 2 to:

- articulate a more frequent waste removal requirement during the rainy season between October to April
- include all manure (not just "stable" manure, but any manure on any part of the premises)
- expand beyond "populous districts" to all districts, including "isolated premises"

Rural communities can be equally if not more susceptible to the public health risks posed by the keeping of animals.

The draft revisions lay out several requirements for livestock waste stockpiling in a new section (3(d)) excluding waste that is being composted and waste being stored in a lagoon. First, should the Board modify the existing Rule to authorize livestock waste stockpiling when the number of animals or quantity of waste renders it infeasible to cover and store the waste in an airtight container prior to removal (factory farms were likely not envisioned when the original Rule was promulgated in 1936), the Board should articulate which types of livestock operations are authorized to stockpile waste (how many animals, what size footprint, or how much waste?) and which types should continue the practice of keeping the waste in covered, airtight containers with requirements to periodically dispose of the waste.

Second, the Board should outline clear, science-based and appropriately tailored standards for the management of livestock waste by different operations that stockpile waste, adjusted to account for the size and type of operation (cattle, chicken, horse, etc.), the type of waste (liquid vs. solid), and site conditions (slope, soil-type, vegetation type and density, underground geology, hydrological features, etc.). A mature milk cow produces over 120 pounds of liquid feces and urine every day, whereas a horse produces 50 pounds of solid manure a day. The differences in consistency, chemical content, and quantity compounds with each additional animal, which surely necessitates different levels of protections for the public health.

Third, we are aware of no scientific basis why waste being composted or stored in a lagoon shouldn't also be managed as stringently – if not more stringently – than other stockpiles of waste. In fact, liquid manure being stored in a lagoon likely requires far more protections for the public health (greater setbacks from water sources, requirements to be stored in areas with a higher groundwater table, etc.). It is well known that lagoons leak.



image of manure lagoon



image of manure gun © USGS

The practices of storing excess livestock manure in large manure lagoons; transferring or selling livestock manure to third parties for use as fertilizer; and applying manure to fields as fertilizer (by both animal keepers and third parties – and often with a large "gun" or cannon that shoots the liquid waste over fields in a vast spray) are three modern practices that harm the public health and have harmed drinking water in Washington. The Board has failed to address these practices whatsoever, despite its clear regulatory mandate and authority to protect public drinking water. The Board should issue a new draft Rule outlining requirements to protect the public health from these three practices, which pose real and dangerous consequence to our public drinking water supplies – as well as air quality.

Finally, airborne disease, dust and odors from the keeping of animals also pose public health hazards and nuisance risks that are not sufficiently covered in the draft revisions. Other than setbacks from certain water sources and a requirement to store stockpiled waste so as to control odors and attraction of flies, rodents, and other vectors," (presumably, disease vectors?) the draft revision lacks any clear standards or requirements to protect the public from dust, disease, or odors, which may emanate from livestock themselves or from feeding or other areas. The Board should include requirements to control dust and odors from other areas of farm operations that pose a risk to public health.

# 4) The Board should consider climate impacts to public health from the keeping of animals, and the environmental justice impacts of the draft revisions.

Board mentions climate change in its Backgrounder just once, and not again. A deeper assessment of the climate impacts caused by the keeping of animals in Washington is both necessary and appropriate. The U.S. Environmental Protection Agency (EPA) estimated that agriculture contributed 11% of the United States' greenhouse gas (GhG) emissions in 2020<sup>2</sup>; the Washington State Department of Ecology attributed 15% of Washington's GhG emissions in 2017 to agriculture, industry, landfills, and fossil fuel production.<sup>3</sup> Climate change has already resulted in more frequent and intense droughts, wildfires, dust storms, erosion, and floods in Washington; reduced glacial snowpack feeding our rivers and streams; acidification of the ocean and Puget Sound, and sea level rise threatens our coasts, wetlands and aquifers.

The Board is in a unique position to address the impacts of climate change on public health for the first time since the Rule was last substantively revised in 1936. With rule revisions coming so infrequently, now is the time to consider how the keeping of animals could – and must - be better managed to prevent or reduce climate impacts to communities throughout the State of Washington, consistent with Washington State's commitment to reducing GhG emissions to 45% below 1990 levels by 2030, 70% below 1990 levels by 2040, and 95% below 1990 levels and net zero emissions by 2050.

It is well known that the impacts of climate change hit communities of color and low-income communities first and hardest. While the Board of Health is not listed as one of the seven agencies required to comply with the <u>HEAL Act</u>; the Departments of Health, Agriculture and Ecology are. We encourage the Board of Health to coordinate with these sister organizations and opt in under the HEAL Act. Because of the strong environmental justice considerations implicated for rural and frontline communities by this Rule and any revisions to it, we also strongly urge the Board to conduct deeper community outreach and engagement around proposed Rule revisions with those whose health, lives, and families are most at risk from the Board's decision-making.

### 5) Additional concerns:

The Board should not limit "nuisance" to acts or omissions that harm, endanger, or interfere with the health or safety of another person. Such a definition is restrictively narrow and not reflective of current nuisance law. RCW 7.48 defines an actionable nuisance to include: "an obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of the life and property, is a nuisance and the subject of an action for damages and other and further relief." We support the adoption of this definition within the Keeping of Animals rule.

We support the inclusion of a section regarding enforcement. The Rule is and should be enforceable, and language should be added to articulate when enforcement will occur. The public

<sup>&</sup>lt;sup>2</sup> Sources of Greenhouse Gas Emissions | US EPA

<sup>&</sup>lt;sup>3</sup> Improving air quality & public health - Washington State Department of Ecology

deserves concrete assurance that documented nuisances and public health hazards will be abated within a certain amount of time.

While we do not agree with all recommendations outlined in the Backgrounder, we do agree with the recommendation to develop a practical, purposeful rule, by "defining the type and scale of regulated activities; steps and standards defining and documenting health hazards and nuisance; technical standards and practices to prevent and remedy problems; technical assistance and referral procedures; methods for property access, compliance, and enforcement." We feel the current draft revisions fall short.

Thank you for accepting and considering these comments. We hope that the Board adopts our suggestions to improve upon the draft revision and better protect public health in Washington. We look forward to working with you.

Sincerely,

Alyssa Barton Policy Manager Puget Soundkeeper Alliance From: a777dude@aol.com Sent: 4/27/2022 10:28:22 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Keeping of Animals

External Email

Quit playing games!

Delay action on this proposed rule and create a work group with key stakeholders

From: linda m Sent: 4/26/2022 10:33:07 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Domestic Animal Waste

#### External Email

Many issues/concerns are unresolved. We are requesting they postpone the draft proposal from June's hearing. We suggested they allow a work group/task force of stakeholders to convene and sort out the concerns.

I'm 72 years old. I've had one to two horses all my life. I've very carefully budgeted my money so I could continue the life I grew up loving. Horse manure is organic, its grass and water. Don't ruin my life now that I am retired and can camp a little and enjoy my horses more then when I worked full time and raised a family.

From: Glasoe, Stuart D (SBOH) Sent: 3/30/2022 11:27:14 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: Keeping of Animals (WAC 246-203-130) proposed rule comment

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: DOH WSBOH <WSBOH@SBOH.WA.GOV> Sent: Wednesday, March 30, 2022 8:45 AM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: FW: Keeping of Animals (WAC 246-203-130) proposed rule comment

Hi Stuart,

I let the customer below know that the email has been fixed, however I am forwarding this comment to you in case they decide not to email the animal waste inbox again.

Nathan Thai

Communications Consultant

Washington State Board of Health

Nathaniel.Thai@sboh.wa.gov <mailto:Nathaniel.Thai@sboh.wa.gov>

360-463-8928

Website

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fsboh.wa.gov%2F&data=04%7C01 , Facebook

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FWASBOH8, Twitter

<a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FWASBOH&data=0</a>

From: Emmett Wild <emmett@skagitcd.org <mailto:emmett@skagitcd.org> > Sent: Tuesday, March 29, 2022 8:54 AM To: DOH WSBOH <WSBOH@SBOH.WA.GOV <mailto:WSBOH@SBOH.WA.GOV> > Subject: Keeping of Animals (WAC 246-203-130) proposed rule comment

#### External Email

I have tried to email my comments regarding the proposed rule change to the Keeping of Animals WAC but the email address listed on the DOH website

(WSBOHProposedAnimalWasteRule@sboh.wa.gov

<mailto:WSBOHProposedAnimalWasteRule@sboh.wa.gov> ) keeps bouncing back as undeliverable. Please forward the below comments to the appropriate place and update the link on the DOH website.

I have several concerns about the proposed Keeping of Animals rule.

First, I am concerned that the term Nuisance is used as a regulatory metric when considering livestock waste. A nuisance is subject to an individual's personal thoughts or feelings, and as defined, is loose enough to continue to include personal preferences of community members to be used as the basis for a regulatory action. Complaints from people new to an agricultural area and/or by people with little knowledge or understanding of livestock management practices and stewardship consume immense amounts of public resources and agricultural producer time, often to investigate standard operating practices or legal manure applications as part of a cropland fertility management program.

Second, the use of a public health officer to investigate complaints creates unnecessary and potentially deleterious redundancies in the regulatory oversight framework for livestock producers. Agencies such as the Washington State Department of Agriculture's Dairy Nutrient Management Program have a robust dairy inspection and complaint response process, and Washington State Department of Ecology has many regional inspectors for non-point areas with a potential to discharge. Creating another office/agency from which manure management is to be regulated/supervised is redundant and risks hard-built working relationships between agricultural producers and existing regulators. It is not appropriate for a licensed physician to be investigating or enforcing land management and animal husbandry activities, as they lack the technical knowledge of these operations, the academic background, and the professional experience to fairly and reasonably execute WAC 246-203-130. The proposed rule should make clear that investigation and enforcement of livestock related complaints should be remanded to those more experienced and appropriate entities within the existing regulatory oversight system.

Finally, rather than leave investigation to a singular public health officer or their delegate, a coordinated team of regulators and professional resource planners should assess the situation in question and provide a specific prescription to address the pollution risk. This will help to maintain existing working relationships with the person being investigated and ensure a standard and cohesive approach is taken to investigations. While individual health officers may come and go, the structure of a team and the inclusion of input from professional resource planners, will ensure equity and continuity in regulatory processes. Further, resource planners are trained to identify multiple viable alternative practices when working with a land manager, creating a more flexible, achievable, and success result.

Regards,

Emmett Wild

From: Lyn Sent: 4/29/2022 4:13:11 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal Waste Rule

External Email

Attn: Board Members

I urge you to delay or cancel the Draft Policy proposal scheduled for June 2022.

At a minimum, more time should be allotted to allow stakeholders to research this proposed rule.

Thank you.

Lynette Borcherding

From: theresa percy Sent: 4/26/2022 10:09:50 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Request to postpone draft proposal - animal waste rule

External Email

I am writing to request a postponement of the draft proposal for animal waste from the JUne meeting until a committee of stakeholders can be formed to review the many concerns regarding: mixing livestock oversight with non-livestock, misunderstanding of stockpiling and composting manure, lack of uniformity of enforcement due to implementation by local health officers, and concern of complaint abuse by urban neighbors.

This is a critical issue which if not properly reviewed and address will a have hugh impact on animal ownership.

Thank you for your consideration,

Theresa Percy

From: Judy Babb Sent: 4/27/2022 9:18:39 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: animal waste ruling

External Email

requesting to postpone the draft proposal from June's hearing and allow a work group/task force of stakeholders to convene and sort out the concerns.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Sent from Yahoo Mail on Android <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.onelink.me%2F107872968%3F">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgo.onelink.me%2F107872968%3F</a>

From: Kerri Stoehr Sent: 4/29/2022 5:16:16 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: proposed policy for the Keeping of Animals.

External Email

I am asking you to postpone the draft proposal from June's hearing. Please allow a work group or task force to convene and sort out all of the concerns

Thank you Kerri Stoehr From: Dr. Jack Gillette, DVM Sent: 5/2/2022 8:59:28 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: WAC 246-203-130 Keeping of animals.

External Email

I believe that the proposed rule should be postponed until a working group an examine it and work out any problems and/or flaws that are unforeseen at this time.

Please retain my E-mail for notifications of further actions.

Dr. Jack Gillette | DVM

Wildflower Veterinary Services

11425 221st ST SE

Graham, WA 98338

Phone (253) 847-1626 † Please Note Our New Email Address, Below:

+ Email: HorseDoc@WildflowerVetLLC.com <mailto:horsedoc@wildflowervetllc.com>

Web: www.WildflowerVet.com <a href="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com/?url=http%3A%2F%2Fwww.wildflowervet.com%2F&data="https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.protection.com%?url=https://gcc02.safelinks.protection.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?url=https://gcc02.safelinks.protection.com%?

From: Richartz, Saundra Sent: 4/29/2022 3:50:08 PM To: DOH WSBOH Proposed Animal Waste Rule Subject: Keeping of Animals rule comment



attachments\F6724619566F4E65\_Keeping of Animals rule.docx

attachments\9C199EE0EE944514\_image001.png

External Email

Please accept the attached as a comment from members of the Senate Republican Caucus.

Saundra D. Richartz

Staff Counsel

Washington State Senate Republican Caucus

Phone: (360) 786-7943, Fax: (360) 786-7815, Cell: (509)690-7648

NOTICE: This transmission is intended for the sole use of the individual and entity to whom it is addressed,

and may contain information that is privileged, confidential, and exempt from disclosure under applicable law.

You are hereby notified that any dissemination, distribution, or duplication of this transmission by someone

other than the intended addressee or its designated agent is strictly prohibited.

If your receipt of this transmission is in error, please reply to this transmission.

From: Karenlee@fairpoint.net Sent: 5/1/2022 10:35:42 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Private Animal Waste - Horses

#### External Email

As a horse owner, I am concerned about restrictions imposed by the Board of Health on animal waste. We are responsible horse owners who have 4 horses at our home of 6 acres in Snohomish. We bought a \$7700 Big Tex dump trailer to haul our manure out. Waste Management quoted a very high price for providing a bin to be kept at our property. Our manure pile has been at the same location since the 80s and is surrounded by neighboring pastures. But at some point those properties may be sold and contractors have been allowed to build nearly to the lot lines.

Horses bring money to the state, especially in populated areas. People with money choose to live near rustic areas where trees and horses can be found. Those people look for good hospitals, good roads, good security and spend money at the local level. They also own businesses that improve the local economy and employ people. I saw this in Southern California where there were pockets of horse ownership by the wealthy, and how it improved the surrounding middle class areas.

I need you to give careful consideration to avoid outlawing the ownership of horses by making restrictive ordinances where there are few complaints. I need you to craft rules that prevent contractors from building right up to a long existing manure pile, like you would for a large facility like a racetrack.

Please postpone the implementing of your draft proposal and allow a work/task force of stakeholders to convene and sort out concerns. The State of Washington is a great place to own a horse, and more and more, it is getting more expensive. Your ordinances could make it very expensive to own a horse.

Karen Lee

From: Tim Price Sent: 5/28/2022 7:34:22 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waist regulation

External Email

To whom it may concern, I oppose this rule the BOH is looking to implement. This is one more infringement on our freedoms. It is written for city dwellers. It is totally unrealistic to enforce. How we've survived 200 years as a nation is beyond me. When you have to worry about my cattle's shit, you've got too much time on your hands. Or, you have a specific agenda against some one you personally live next to. I suggest you move some place else.

Thank you,

Tim Price

Get Outlook for iOS <a href="https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2Fo0ukef&data=05%7C">https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Faka.ms%2Fo0ukef&data=05%7C</a>

From: Butch Havens Sent: 4/28/2022 5:07:55 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: F2E2CE96-EB18-408D-A3E0-9E141288F55A

External Email

From: Judith Hoyle Sent: 4/26/2022 10:44:25 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comments on SBOH Keeping of Animals rules

External Email

Having read the proposed document, I, too, have many concerns about it.

I join with other livestock and "pet" owners in the request that you postpone the draft proposal from the June meeting so that more evaluation can be done, more clarity provided, and that a work group/task force of stakeholders be conveyed to sort out the many, many concerns this document raises.

There are concerns regarding mixing management of livestock with non-livestock rules, unclear and overreaching rules regarding stockpiling and composting, extreme concern about complaint abuse from neighbors - especially urban or the dreaded "I recently moved to the country from the city and I can't stand the noise/smells/flies" type of neighbors who move into a new situation in the "country" and want it to be just as "clean" and "pristine" as a city might be. There is also no uniformity of enforcement, as it appears to be left completely to the local health officer.

So much is simply not thought through in this draft document.

Thank you for your consideration.

Judith Hoyle 1912 West Valley Rd. Chimacum, WA 98325 From: Imulmt@yahoo.com Sent: 4/27/2022 10:37:22 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Animal waste

External Email

I think that your policies are so unclear that any one that works for your department could abuse their authority when enforcing unclear laws. I request that you hold off June law making until more fair and scientific and cultural investigating is done. We don't need more confusion.

Thank you, Lori Uhler

Sent from my iPhone

From: Jean Mendoza Sent: 5/2/2022 3:05:27 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Public Comments

*attachments\FD8ABD6F55A444DF\_Dear WA BOH IV.pdf attachments\D4496D9C4F8E4F63\_Dear WA BOH I.pdf* 

attachments\C0F1E81AB04F4E17\_Dear WA BOH V.pdf

External Email

Hello WA State Board of Health,

Please accept the attached public comments on WAC 246-203-130 from the Friends of Toppenish Creek.

Thank you for reading and taking action to protect public health.

Jean Mendoza



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear WA State BOH,

We are the Friends of Toppenish Creek from Yakima County.

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.

Regarding the draft rule WAC 246-203-130, please consider this strong objection. As written WAC 246-203-130 allows a CAFO dairy in Washington state to build a million gallon manure lagoon right next to a neighbor's home or well without consequences. Here is an explanation of how the draft rule condones such an assault on human health:

Draft WAC 246-203-130, section 3 says:

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must:

(d) Handle domestic animal waste from livestock that is <u>collected and stockpiled</u> for later use or disposal as follows:

(i) Store the waste to control odors and attraction of flies, rodents, and other vectors;

(ii) Store the waste no longer than one year; and

(iii) Site the stockpile:

(A) One hundred feet or more from a drinking water well;

(B) Two hundred feet or more from a public drinking water spring;

(C) Outside the sanitary control area of a public Irinking water source if different from the areas set forth in (d)(iii)(A) and (B) of this subsection;

(D) One hundred feet or more from a surface water body unless:

(I) The surface water body is upgradient or is protected by a levee or other physical barrier; or

(II) The surface water body is protected by one or more control or treatment practices that capture and prevent leachate. Practices include, but are not limited to, storage pads, covers, storage structures, and filter strips; and

(E) Outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

This appears to create strong protections for public health.

But look closer - there is a huge loophole in the proposed rule.

WAC 246-203-130, section 2 (j) says: "Stockpiling" means the temporary piling of domestic animal waste from livestock prior to use or disposal. <u>Stockpiling does not include active composting or lagoon storage of domestic animal waste from livestock.</u>

This more than wrong. This is a gift to the powerful interests that inflict morbidity and mortality on WA citizens by managing manure in ways that place profit above human health.

Unless the BOH can prove that a million gallon manure lagoon next to a family home does not damage the family's health, unless the BOH can prove that tossing manure into the ambient air to compost it does not damage the health of entire neighborhoods, then this loophole must, in all good conscience, be closed.

Sincerely, kan Mendeza

Jean Mendoza

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



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear WA State Board of Health,

We are the Friends of Toppenish Creek from Yakima County.

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.

We appreciate your hard work on WAC 246-203-130, especially the comprehensive paper, "Keeping of Animals". The documentation of health impacts deserves close attention.

- 1. In 2013 Davis et al found higher rates of campylobacteriosis in Whatcom and Yakima Counties, the WA counties with the highest concentrations of dairies and dairy animals.<sup>\*</sup> Please add this research to your literature review.
- 2. Unfortunately, the document "Keeping of Animals" is no longer up to date. Since 2018:
  - a) The WA Legislature has approved the HEAL Act and the Climate Commitment Act.
  - b) Staff at the WA State Dept. of Agriculture have discounted the value of Tech Note 23 assessments for manure lagoons.
  - c) Ecology has not completed a plan for nonpoint source pollution as promised.
  - d) There is even more data that documents egregious pollution of WA aquifers by concentrated animal feeding operations (CAFOs).
  - e) The Yakima Regional Clean Air Agency (YRCAA) has rescinded their Air Quality Management Policy for Dairies.

- f) People who live in areas with high levels of fine particulate matter from CAFO emissions have suffered higher than average rates of morbidity and mortality from COVID 19.
- g) The WA State Court of Appeals ruled that the WA Pollution Control Hearings Board erred. Ecology's 2017 National Pollutant Discharge Elimination System (NPDES) permit does not protect waters of WA State.

Below is a more thorough analysis of "Keeping of Animals" that explains the need for updates, followed by a critique of BOH's Cost Benefit Analyses.

- 3. RCW 43.20.050 (c) states, "the State Board of Health shall . . . adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains". We find no authority to delegate this duty to either the WA State Dept. of Agriculture or the WA State Dept. of Ecology. In fact, neither of these agencies are qualified to address human health.
- 4. RCW 34.05.310 addresses negotiated rule making. We are not sure whether the actions leading up to this draft rule constitute negotiated rule making or not. We do know that the BOH convened two stakeholder meetings in 2019 to discuss the rule. There were more advocates just for the dairy industry than advocates for the citizens. The beef industry brought their lobbyists as well. Only FOTC argued for protection of CAFO neighbors. Everyone at the table was Caucasian.

If this is negotiated rule making, there are insufficient protections to ensure that other agencies will do their part to protect public health. Currently Ecology and WSDA have the power to control air and water pollution, but they do not use that power, so air and water pollution from dairies continue. There are no memoranda of understanding to guarantee cooperation and collaboration.

Sincerely. kan Mendeza

Jean Mendoza

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

<sup>\*</sup> Davis, M. A., Moore, D. L., Baker, K. N., French, N. P., Patnode, M., Hensley, J., ... & Besser, T. E. (2013). Risk factors for campylobacteriosis in two Washington state counties with high numbers of dairy farms. *Journal of clinical microbiology*, *51*(12), 3921-3927. Available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3838072/

### KEEPING OF ANIMALS Background and Policy Recommendations of the Washington State Board of Health for Revising WAC 246-203-130

https://sboh.wa.gov/sites/default/files/2022-01/KeepingOfAnimals-FinalReport.pdf

### Pages 4 & 15:

Regulation of livestock manure, commercial animal feeding operations, and other domestic animal waste in Washington to protect water and air quality is framed mainly around the following:

- Dairy licensing
- National Pollutant Discharge Permits
- Nonpoint source pollution prevention
- Local ordinances
- Air quality control by Ecology and local air agencies

### Response:

WA dairies are required to have nutrient management plans, but they are not required to follow them.<sup>1</sup> See "Keeping of Animals" page 15 that says, "The law does not require producers to follow the (nutrient management) plans."

Dairies are only inspected every 18 - 22 months and the inspections focus on what is written on paper, not on what is happening on the dairy. There is only one WSDA inspector for all Eastern Washington where 2/3 of WA milk cows are housed.

Less than 10% of WA dairies have NPDES permits. Permitted dairies in Yakima County apply manure in quantities that greatly exceed agronomic rates.<sup>1</sup>

Ecology has yet to complete a nonpoint source pollution plan for the state. Ecology has worked on nonpoint source pollution since 2015 and is nowhere completion.<sup>3</sup>

Local ordinances are almost non-existent and are not enforced by local agencies, at least not in Yakima County.<sup>4</sup>

<sup>3</sup> Ecology Voluntary Water Guidance for Agriculture at <u>https://ecology.wa.gov/About-us/Accountability-</u> transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv

<sup>&</sup>lt;sup>1</sup> Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

<sup>&</sup>lt;sup>2</sup>See Attachment 1

<sup>&</sup>lt;sup>4</sup> See Attachment 2 – Email from the Yakima Health District re enforcement of Solid Waste Manure Composting rules

The Yakima Regional Clean Air Agency (YRCAA) rescinded an Air Quality Management Policy for Dairies in 2019. The YRCAA does not investigate air quality complaints against dairies and has never issued a notice of violation of odor or dust.<sup>5</sup> Washington CAFOs do not report hazardous air emissions.

The summary in "Keeping of Animals" gives the impression that other WA agencies address pollution from WA CAFO dairies. This is incorrect.<sup>6</sup>

Page 10:

The Lower Yakima Valley is similarly plagued by high nitrate levels in drinking water that are closely associated with significant numbers of farm animals and large animal feeding operations. Yakima County has the most dairy cows in the state (WSDA, 2011). About a third of the Lower Yakima Valley uses private, unregulated wells for drinking water. Between 10 and 20% of these wells have nitrate concentrations that exceed the national and state drinking water standard (USEPA, 2012b).

In 2018-2019 the Lower Yakima Valley Groundwater Management Area drilled 30 monitoring wells evenly spaced throughout the Lower Yakima Valley (LYV). At the time of drilling 45% of the wells had nitrate levels above 10 mg/L. Beginning in 2021 Ecology began sampling the monitoring wells to establish a baseline for the area. In the first two 2021 samplings 45% of the samples were above 10 mg/L.<sup>7,8</sup>

The EPA has studied nitrate levels in dedicated monitoring wells on a cluster of LYV dairies. The highest reading in the EPA studies is 234 mg/L.<sup>9</sup>

<sup>6</sup> Ecology and WSDA knew about pollution on a cluster of Lower Yakima Valley dairies for years, but gave the dairies glowing reports while the dairies applied manure to cropland at up to seven times agronomic rates. See Attachment 3.

<sup>7</sup> LYV GWMA Initial Ambient Groundwater Monitoring Well Report at <u>https://www.yakimacounty.us/DocumentCenter/View/21633/GWAC-Presentation---Monitoring-Well-Report-Overview---2019620-v20-1</u>

<sup>8</sup> WA Ecology Environmental Information Management System Data Base Groundwater Data at <u>https://apps.ecology.wa.gov/eim/search/Groundwater/GWSearch.aspx?SearchType=Groundwater&State=newsearch</u> <u>&Section=all</u>

<sup>9</sup> EPA Region X LYV Groundwater Fact Sheet 2014 Yakima Dairies Consent Order Update at <u>https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-fact-sheet-december-2014.pdf</u>

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC AA.pdf

### Page 15:

WSDA has conducted lagoon inspections in the Yakima Valley based on the site inventory and assessment procedure of Natural Resources Conservation Service (NRCS) Tech Note 23. Between 2015 and 2017, WSDA inspected most dairy lagoons in the Yakima Valley with a minimum of two site visits, to evaluate the lagoons when full and when empty. The lagoons are scored on criteria (e.g., soil type, aquifer susceptibility, proximity to water bodies, compliance with design standards) and ranked on a risk probability matrix for site risk and seepage/structure risk. The evaluations are being carried out in concert with the CAFO permit, giving facilities with high risks two years to develop and implement plans to address the deficiencies.

WSDA now says that the Tech Note 23 Inspections re invalid. WSDA has not completed Tech Note 23 Inspections outside Yakima County as promised. Tech Note 23 Inspections in Yakima County are missing essential data and those dairies with high risk lagoons have not developed and implemented plans to address the deficiencies as stated in "Keeping of Animals"<sup>10</sup>

Page 16:

Any commercial or industrial operation that discharges waste material to state waters is required to have a permit from Ecology.

This is simply not true. Two dairies in the LYV dairy cluster that have well documented discharges are not covered by NPDES permits.<sup>11</sup>

Discharges are allowed in limited situations and cannot violate water quality standards or impair other uses of the waters.

Many dairies in Whatcom County are located in flood plains. Manure from these dairies flowed into the floodwaters of the Nooksack River in 2021. Taxpayers spent hundreds of thousands of dollars to help Whatcom County dairies pump manure from lagoons that were at risk of overtopping during the 2021 floods.<sup>12</sup>

<sup>&</sup>lt;sup>10</sup> See Ecology and WSDA Do Not Inspect Manure Lagoons at <u>http://www.friendsoftoppenishcreek.org/issues/water.html</u>

<sup>&</sup>lt;sup>11</sup> The EPA has found egregious pollution from crop land and from unlined manure lagoons on the Henry Bosma Dairy and the Liberty Dairy in the LYV dairy cluster. Neither of these dairies has an NPDES permit.

<sup>&</sup>lt;sup>12</sup> Verbal communication from Laura Watson, Director of the WA Dept. of Ecology at the April meeting of Ecology's Ag and Water Quality Advisory Committee.

Decision on CAFO Permit Appeal On October 25, 2018, the Washington State Pollution Control Hearings Board (PCHB) issued an order on an appeal of the CAFO permits by a number of organizations on all sides of the issue. The order upheld and affirmed the permits with the exception of a condition associated with lagoon assessments. Ecology is expected to reissue the permits consistent with the order (WSPCHB, 2018).

A coalition of environmental groups successfully appealed the PCHB decision to the WA State Court of Appeals. In 2021 the Court of Appeals ruled that the 2017 NPDES permits for CAFOs do not protect waters of the state.<sup>13</sup>

Ecology and WSDA jointly administer CAFO permits and also work cooperatively on the Dairy Nutrient Management Program and Agricultural Nonpoint Source Program. The agencies are guided by a Memorandum of Understanding (MOU) that was last updated in 2011.

The referenced MOU protects WA dairies from enforcement of the Clean Water Act. The WSDA Dairy Nutrient Management Program (DNMP) hardly ever documents a discharge to waters of the state. Consequently, there is no justification for requiring a dairy to obtain an NPDES permit. The DNMP typically states that a dairy complies with best management practices (BMPs) although WSDA and Ecology state that there is no approved list of BMPS for dairies.<sup>14</sup>

Page 19:

Ecology is currently undertaking a major project to develop voluntary clean water guidance for agricultural activities. The project aims to identify agricultural practices that are most effective in addressing nonpoint source impacts and achieving compliance with water quality standards. Impetus for the project is federal law, specifically the Clean Water Act and Coastal Zone Act Reauthorization Amendments of 1990, which require the agency to identify suites of practices for different sources of nonpoint pollution. The project is part of Ecology's 2015 Nonpoint Source Pollution Plan. The planning, stakeholder involvement, and technical analysis are expected to take a couple years (WSDOE, 2015b, 2015c, 2017).

After at least seven years Ecology's nonpoint source plan is nowhere near completion.<sup>3</sup>

<sup>13</sup> Puget Soundkeeper et al v. WA Ecology 2021, available at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/D2%2052952-1-II%20PUBLISHED%200PINION%20(2).pdf</u>

<sup>14</sup> WSDA & Ecology Memorandum of Understanding – A Chain of Errors, available at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/MOU%20Problems%20and%20Sequelae.pdf</u> Page 20:

RCW 7.48.305 explains that agricultural activities that are consistent with good practices and that conform with all applicable laws and rules are assumed to be reasonable and do not constitute nuisance unless the activity has a substantial adverse effect on public health and safety.

In Yakima County officials have never investigated the adverse public health effects of agricultural activities such as:

- Polluting groundwater
- Polluting surface waters and contaminating fish
- Polluting the air with particulate matter, ammonia, hydrogen sulfide, volatile organic compounds, ozone, methane, and nitrous oxide. <sup>5</sup>

Because there are no documented impacts officials refuse to take actions against allegedly "good agricultural practices" such as:

- Composting hundreds of dead cows in small areas
- Composting manure in the pens where cows live
- Discharging pollutants into aquifers that people access for drinking water.<sup>5</sup>

Morbidity and mortality from COVID 19 are well above the state average in Yakima County. Harvard University has documented a relationship between counties with high levels of particulate matter and deaths from COVID 19.<sup>15</sup>

Chapter 35.88 RCW applies to protection of public water supplies and explains that animal operations such as hog pens and feed yards that pollute municipal water supplies, storage, or conveyance are illegal and should be abated as nuisance.

The Outlook Elementary School in Yakima County had to drill two new wells due to nitrate contamination. The only likely source of this pollution is nearby dairies with well documented discharge to groundwater. Officials took no actions against the dairies but simply expected taxpayers to cover the expense of drilling new wells.

The City of Mabton has been forced to drill several new municipal wells due to a falling aquifer and nitrate contamination that reached 20 mg/L. Officials took no actions against upgradient dairies but simply expected taxpayers to cover the expense of drilling new wells.

<sup>15</sup> COVID 19 Incidence and Death Rates for Yakima County, available at

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC</u> AA.pdf

http://www.friendsoftoppenishcreek.org/cabinet/data/COVID%2019%20Demographics%20for%20Yakima%20Cou nty%20IV.pdf

*RCW* 70.54.010 and *RCW* 90.48.080 respectively make it illegal to deposit anything deleterious that affects public water supplies or to discharge polluting matter to waters of the state.

Dairy discharges to waters of the state are well documented, yet Ecology does nothing to stop this illegal activity.

Chapter 70.95 RCW sets requirements for solid waste management, which extends to animal waste and includes provisions that prohibit dumping or depositing waste in waters of the state or creating a nuisance. Companion solid waste handling standards, chapter 173-350 WAC, exempt land application of manure if applied at agronomic rates. If piled, over-applied, or otherwise mismanaged to create a problem, manure can be regulated as a solid waste.

Over application of manure to cropland is well documented, yet WSDA and Ecology do nothing to stop this illegal activity.<sup>1, 2, 6, 9</sup>

Page 21:

King County first adopted its livestock management ordinance in the mid1990s. The purpose of KCC 21A.30, sections 040 – 075, is to support the raising and keeping of livestock and to minimize impacts on water quality and salmon habitat. The code also regulates small animals. The code regulates lot size, livestock densities, farm planning, and management practices to prevent nonpoint pollution. The management standards include many requirements for manure storage and spreading. Section 122 of KCC 21A.12 complements this with a manure storage setback of 35 feet from the property line. <u>Commercial dairies are exempt</u> and must meet the requirements of DNMP (King County, 2009, 2013).

The Keller Dairy in King County, located next to the Snoqualmie River, spreads manure within 10 feet of the river, according to their manure pollution prevention plan (MPPP).

<sup>1</sup> Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

<sup>6</sup> Ecology and WSDA knew about pollution on a cluster of Lower Yakima Valley dairies for years, but gave the dairies glowing reports while the dairies applied manure to cropland at up to seven times agronomic rates. See Attachment 3.

<sup>9</sup> EPA Region X LYV Groundwater Fact Sheet 2014 Yakima Dairies Consent Order Update at <u>https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-fact-sheet-december-</u>2014.pdf

<sup>&</sup>lt;sup>2</sup>See Attachment 1

See the Keller Manure Pollution Prevention Plan, page 11/22 that says:

In addition to using the MSA and ARM tools year-round, the appropriate seasonal setback distance will be utilized when applying manure. These seasonal setbacks are based on scientific studies which recommend specific distances for sediment and nutrient removal based on seasonal precipitation, soil saturation conditions, and surface runoff potential. This includes a more robust setback during the high risk months of October 1-February 28 of 100 feet, reduced to 40 feet from March 1-May 31 and September 1-September 30 when soils are drying, and <u>10 feet in the dry summer months of June 1-August 31 when precipitation is minimal and soils dry.</u> The following table lists the appropriate setback distances per season.<sup>16</sup>

### Page 24:

Registration and Reporting: Feedlots with 1,000 or more cattle in operation between June 1 and October 1 are required to register with Ecology or their local air agency under WAC 173-400-099 to WAC 173-400-104, report emissions of certain criteria and toxic air pollutants, and undergo inspections every one to three years. Emissions are estimated based on the size, processes, and pollution controls of the animal feeding operation. Ecology recently conducted a comprehensive literature review and issued revised emissions factors for cattle feedlots in 2016.

Are dairies classified as feedlots? None of the 50 CAFO dairies in Yakima County register as sources of air pollution, or report emissions of air pollutants. There are about 100,000 milk cows in a 273 square mile area in the Lower Yakima Valley (LYV).

Controlling Fugitive Emissions, Dust, and Odor: Under RCW 70.94.640, odors or fugitive dust from animal feeding operations that are applying BMPs<sup>17</sup> are exempt from the requirements of the state Clean Air Act unless they have a substantial adverse effect on public health. Feedlots with 1,000 or more cattle are included in this agricultural activity exemption except they must:

- Follow BMPs<sup>17</sup> and develop and implement a fugitive dust control plan;
- Comply with the State Implementation Plan (SIP) for air quality; and

• Additional controls may be required as part of the SIP if an area is designated as nonattainment for particulate matter under national ambient air quality standards (NAAQS).

<sup>&</sup>lt;sup>16</sup> Manure Pollution Prevention Plan (MPPP) Keller Dairy, page 11/22, available at file:///C:/Users/Jean%20Mendoza/Downloads/2020-07-28%20MPPP%20(5).pdf

<sup>&</sup>lt;sup>17</sup> According to WA Ecology there are no approved best management practices for WA dairies. See Attachment 4.

Ecology or the appropriate local air agency review and approve fugitive dust control plans, inspect sources, <u>respond to complaints</u>, provide compliance assistance, and may issue enforcement actions. In 1995, Ecology issued guidelines on fugitive dust control for beef cattle feedlots and best management practices. These guidelines are included in the SIP to help the state meet and maintain the NAAQS and protect public health. Yakima Regional Clean Air Agency has also established policies and BMPs for animal feeding operations in their jurisdiction, <u>specifically for dairy operations</u>, confined heifer replacement feeding operations, and confined beef cattle feeding operations. As an added note, Ecology is working to interpret and implement changes to RCW 70.94.640 made in the 2017 legislative session by SSB 5196 (C 217, L 17) that extend the Clean Air Act exemption for odor and fugitive dust caused by agricultural activities to cattle feedlots. This will change aspects of the regulatory structure when finalized.

Washington law requires Ecology to approve a list of best management practices for CAFOs. Friends of Toppenish Creek submitted public records requests for a listing of these BMPS in 2021. Both Ecology and WSDA replied that there are none.<sup>17</sup>

The Yakima Regional Clean Air Agency rescinded their policy for dairies in 2019. The YRCAA does not investigate complaints regarding odor and dust from dairies.<sup>5</sup>

Page 25:

Capitalize on Local Health Authority The rule should capitalize on the authority and responsibility of local health boards and local health officers under chapter 70.05 RCW. This includes authority to:

- Supervise the maintenance of all health and sanitary measures;
- Enact and enforce local regulations as needed to preserve, promote, and improve public health; and

• *Provide for the prevention, control, and abatement of nuisances detrimental to public health.* 

In response to a 2021 public records request the Yakima Health District informed FOTC that the YHD does not enforce WAC 173-350-220 with respect to manure composting facilities.

http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC AA.pdf

<sup>4</sup> See Attachment 2 – Email from the Yakima Health District re enforcement of Solid Waste Manure Composting rules

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at

Leave Regulation of Large Animal Feeding Operations to Established Programs WSDA manages the Dairy Nutrient Management Program and Ecology and WSDA comanage the CAFO permit. For many reasons, the programs are complicated and hard to implement. Despite the challenges, the two agencies are best positioned to regulate the state's large commercial animal feeding operations given their legal authorities, expertise, resources, and support from many partner agencies. The same holds true for regulation of air emissions by Ecology and the local air agencies. In keeping with the preceding recommendations, the Board's rule should avoid duplicating core work of these programs and should aim to support these existing state programs with complementary authority and functions.

We have shown that Ecology and WSDA have failed to protect the environment from water and air pollution related to CAFO dairies. These agencies barely talk about human health. Leaving implementation of public health to Ecology and WSDA is a recipe for failure.

### Small Business Economic Impact Statement WAC 246-203-130 a Rule Concerning Keeping of Animals

Page 4:

NAICS Code 1121, Description "Cattle Ranching and Farming", # of businesses in WA "534", MCT (1% average annual payroll) "\$3,657.58", MCT (0.03% annual receipts) "\$3,864.14"

We believe the cost estimates in this category that includes the multi-million dollar dairy industry, are inaccurate. We do not believe that the payroll for veterinary services exceeds the payroll for dairies as stated in the Economic Impact Statement.

# Significant Legislative Rule Analysis WAC 246-203-130 a Rule Concerning Keeping of Animals Revising the Section Title to Domestic Animal Waste

Page 16:

WAC 246-203-130(3)(d)(iii)(D)(II) Site stockpiled livestock waste one hundred feet or more from a surface water body unless the surface water body is protected by one or more control or treatment practices that capture and prevent leachate and runoff.

Description: If waste from livestock is stockpiled for later use or disposal, this proposed exception to WAC 246-203-130(3)(d)(iii)(D) allows people to site stockpiles closer than one hundred feet of a surface water body if practices are applied to mitigate runoff and leachate. This can include practices to mitigate stockpiles such as covers and pads, or alternate methods of storing stackable waste, such as stacking and composting structures.

Common conservation practices for stackable waste include the following, listed by NRCS code. Practices can be applied individually or in combination. Practices may or may not be designed and constructed to NRCS standards but should always be designed to account for anticipated storage needs, surface loads, drainage, and possible seepage.

This section fails to inform the reader that the definition of "stockpiling" in the draft WAC 246-203-130 exempts manure composting and manure lagoons from the definition. In Yakima County there are over 500 acres of manure compost on bare ground.<sup>18</sup> In Yakima County there are over 200 acres of manure lagoons, and most are simply "clay lined" which means they are lined with compacted soil.<sup>18</sup> Leaching from these lagoons is significant and well documented.<sup>19</sup>

WAC 246-203-130 does not sufficiently address groundwater pollution or air pollution.

NRCS standards are guidelines and non-enforceable.

<sup>18</sup>Lower Yakima Valley Groundwater Management Area Nitrogen Availability Assessment at <u>https://www.yakimacounty.us/2131/Nitrogen-Availability-Assessment</u>

<sup>19</sup> Bosma Dairy Lagoon 3 shows massive nitrogen loadings leading to ground water contamination, available at <a href="http://charlietebbutt.com/files/CAFOs/Bosma%20Lagoon%203%20Abandonment%20Plan\_20220118.pdf">http://charlietebbutt.com/files/CAFOs/Bosma%20Lagoon%203%20Abandonment%20Plan\_20220118.pdf</a>

# Attachment 1: Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

### Annual NPDES reports from DBD Dairy 2018 to 2021

Field Risk Level	Field	Nitrate at 2'	Re	quired Actions		uired Actions d Upon Trends		Comments			
Low			1.41.11	S I I Statute 1							
Low	24	10									
Fall Soil Test Nitrate Range:	Old Mint	3	None		None		Cana	I break resulted in no water for 1.5 weeks, resulting			
Less than 15 ppm			wome		None			s of vield.			
<ul> <li>Less than 55 lbs/acre</li> </ul>							in loss of yield.				
		Ne	1		1-0-1-C						
Medium	018	17	1		T		-				
2 Million Contraction	02EC	18	1								
Fall Soil Test Nitrate Range:	08-118	27	Continue	with agronomic rate	None			I break resulted in no water for 1.5 weeks, resulting			
<ul> <li>15-30 ppm</li> </ul>				inter ap onormerate	i vone		in los	is of yield.			
<ul> <li>55-110 lbs/acre</li> </ul>											
A REAL PROPERTY AND A REAL PROPERTY.	States and	100				and a second		A DAY OF A DAY			
	02EB	45			1		-				
High	07	45	• 3'sa	imples to be taken							
	08-11C	46		fall.							
Fall Soil Test Nitrate Range:	21	42	S. 5352		None			I break resulted in no water for 1.5 weeks, resulting			
• 31-45 ppm	22CP	39	• Re-6	valuate agronomic	0.896662775		in los	s of yield.			
<ul> <li>111-165 lbs/acre</li> </ul>	23	36	rate		2						
								(E)			
		Lun		in the second	1		1000				
Very High	01C	117									
	02NWB	65	2								
Fail Soil Test Norate Range More than 45 ppm	02SWB	52		imples to be taken							
<ul> <li>Wore than 165</li> </ul>	02WC	67	next	: fall.			Canal	break resulted in no water for 1.5 weeks, resulting			
The/apre	03B	161	1973 - 1973 -	200 - 22 - 22				s of yield.			
	03C	140		uce application	2204/03/04/03	124219181010		S OF FICIL			
	04	64		luate agronomic	None at	this time	Some	fields have produced residual ppm levels that are			
	05	65	rate	<b>E</b> ()				above what would typically be expected given the			
	06	54			1			ed manure rates.			
	2255	63		approval of nutrient	1		8001				
	25	48	bud	get from DOE.							
	-	-									
	-	1			1		-				
						and the set loss of	1				
62°											
TABLE 3: Adaptive Manag	ement Action	s (Based on	Fall-2019	data)	1.1		- 12				
DBD WASHINGTON, LLC	1.1				111						
Field Risk Level	Field		Nitrate	Required Actions		Required Actions	based	Comments			
LINEAR THE REAL PROPERTY.	1000002577		at 2'		U	upon Trends					
Low	Old Mint		17	None							

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions based upon Trends	Comments
Low Fall Soil Test Nitrate Range • Less than 15 ppm • Less than 55 lbs/acre	Old Mint	1.7	None.		
/ledium	01 C	30.3	Continue with agronomic		
all Soil Test Nitrate Range	08-11 C	18.8	rate.		
<ul> <li>15-30 ppm</li> </ul>	22 SS	21.9			
55-110 lbs/acre	25	19.3			
igh	02 EC	38.3	Adjust application timing.	None at this time	
all Soil Test Nitrate Range	04	40.5	3' fall soil sampling.	Concernation and Amore P	
<ul> <li>31-45 ppm</li> </ul>	06	40.1	Adjust application rates		
<ul> <li>111-165 lbs/acre</li> </ul>	07	39.6			
	23	32.3			
	24	38.8			
No.	-				
	01 B	62.3	Adjust application timing.	None at this time	Emergency applications in 2019 are the main
<ul> <li>Nusse than 05 ppm</li> </ul>	02 EB	67.5	3' fall soil sampling.		reason for the higher residual nitrate levels
<ul> <li>Note than 45 ppm</li> <li>Mote than 46 by face</li> </ul>	02 NWB	94.1	Reduce application rate		
· Marte Mandles founders	and the second se	48.5			
	02 WC	56.6	Get DOE approval for		
	03 B 03 C	132.7	nutrient budgets.		
	03 C	143.5			
	05 08-11 B	47.7			
	21	53.4			
		50.4			
	22 CP	50.2		/	
	1				

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions Based Upon Trends	Comments
Low	23	14.3			
Fall Soil Test Nitrate Range: • Less than 15 ppm	25	8.0			
Less than 55 lbs/acre	Old Mint	5.5			
Medium	06	28.9			
Fall Soil Test Nitrate Range:	07	24.2			
<ul> <li>15-30 ppm</li> <li>55-110 lbs/acre</li> </ul>	22 55	16.6			
<ul> <li>55-110 lbs/acre</li> </ul>	24	29.0			
		2.5.0			
High	01 C	43.9			
Fall Soil Test Nitrate Range:	02 EC	41.2	The nutrient budgets will be		
• 31-45 ppm	02 SWB	33.5	adjusted downward		
<ul> <li>111-165 lbs/acre</li> </ul>	05	40.8			
	01 B	50.7			
Very High	02 EB	65.1			
Fall Soil Test Nitrate Range:	02 NWB	50.0			
More than 45 ppm	02 WC	54.7			
<ul> <li>More than 165 lbs/acre</li> </ul>	03 B	164.9	The following fields will receive limited to no		
wolarie	03 C	193.3	application until the values		
	04	48.2	come down. Values are down		
	08-11 B	95.5	from 2019.		
	08-11 C	126.5			
	21	66.1			
	22 CP	62.5			

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions Based Upon Trends	Comments
Low	Field 07	11.0	None		
Fall Soll Test Nitrate Range:	Field 22 SS	5.1			
<ul> <li>Less than 15 ppm</li> <li>Less than 55 lbs/acre</li> </ul>	Field 25	5.3			
Less than 55 lbs/acre	Old Mint	12.6			2 2
Medium	Field 02 EC	15.5	None	1	
Fall Soil Test Nitrate Range:	Field 05	25.3			
• 15-30 ppm	Field 06	16.9		<u>)</u>	
<ul> <li>55-110 lbs/acre</li> </ul>	Field 08-11 C	23.0			
	Field 23	25.3			
High	Field 01 B	41.0	No application for 2022		-
	Field 01 C	36.6	Reduced application		
<ul> <li>Fall Soil Test Nitrate Range:</li> <li>31-45 ppm</li> </ul>	Field 02 EB	33.0	No application for 2022		
<ul> <li>111-165 lbs/acre</li> </ul>	Field 02 WC	44.8	No application for 2022		
	Field 24	43.5	Reduced application		
Very High	Field 02 NWB	71.7	No application for 2022		Fields in the High to Very High risk levels continue to
	Field 02 SWB	45.5	No application for 2022		decrease as in 2019 there were 17 total fields in these
Fall Soil Test Nitrate Range: 45 ppm	Field 03 B	106.0	No application for 2022		categories and in 2020 there were 15 and now in 2021
More than 165	Field 03 C	214.7	No application for 2022		there are 13.
lbs/acre	Field 04	56.0	No application for 2022		
	Field 08-11 B	69.8	No application for 2022		
	Field 21	54.6	No application for 2022		
	Field 22 CP	52.9	No application for 2022		

Sunnyside Dairy Field Risk Level	Field	Nitrate	Required Actions	Required Actions based	
	N. S.	at 2'		upon Trends	Comments
OW	70 ac Pivot 02 Karl's	5.3	None.	No trends have been	
<ul> <li>all Soil Test Nitrate Range</li> <li>Less than 15 ppm</li> </ul>	Airport 02	9.1		established.	
Less than 55 ibs/acre	Airport 03	4.8			
· Less than 33 (bayatre	P01	13.7	8		
	P02	12.6	2		
	P03	3.1			
	Tom 03 70 ac	5.5			
and the second second second second	and the second state of the second	1.00	The Oken States in the second	Service and the service of the servi	
Viedium	70 ac Pivot 01 Karl's	23.6	None.	No trends have been	
Fall Soil Test Nitrate Range	70 ac Pivot 03 Karl's	22.7		established.	
<ul> <li>15-30 ppm</li> </ul>	Airport 01	25.0	8		
<ul> <li>55-110 lbs/acre</li> </ul>	Case	21.1	-		
	Field 01	18.9		0	
	Field 02	17.7	9		
	Field 03 CP	25.6	8		
	P05 Tom 01	18.0 28.4			
	Tom 02	30.7	· · · · · · · · · · · · · · · · · · ·		
STATISTICS IN STATISTICS	1011102	50.7	Contraction of the second	Contraction of the local division of the loc	
figh	Field 04	38.9	Adjust application timing.	No trends have been	
all Soll Test Nitrate Range	Little Dairy E	35.7	3' fall soil sampling.	established.	
• 31-45 ppm	Little Dairy N	32.3	Document reasons for	a contraction of the second	
<ul> <li>111-165 lbs/acre</li> </ul>	P04	36.9	higher residual.		
	Wade's 02	33.5			
Contract of the second second	A CONTRACTOR OF THE				
	60 ac	125.8	Adjust application timing.	No trends have been	
	100 ac	62.7	3' fall soil sampling.	established.	
<ul> <li>Aluse Hum 45 perce</li> </ul>	Field 03 Linear	51.3	Document reasons for		
<ul> <li>Numerthanse55 the/Anne</li> </ul>	Field 05	66.4	higher residual.		
	Guerra	80,4	Get DOE approval for		
	Little Dairy W	62.2 65.3	nutrient budgets.		
	Orchard	65.3			
	Rick	00 3			
	Rick Wade's 01	88.3			
TABLE 3: Adaptive Manag Sunnyside Dairy	Rick Wade's 01 Wade's 03 ement Actions Sunnys	48.9 181.6	2020 Fall		
Sunnyside Dairy	Wade's 01 Wade's 03	48.9 181.6 side Dairy	2020 Fall Required Actions	Required Actions based	Comments
the second se	Wade's 01 Wade's 03 ement Actions Sunnys	48.9 181.6 side Dairy	no	Required Actions based upon Trends	Comments
Sunnyside Dairy Field Risk Level	Wade's 01 Wade's 03 ement Actions Sunnys Field	48.9 181.6 side Dairy Nitrate at 2'	no		Comments
Sunnyside Dairy Field Risk Level Low	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's	48.9 181.6 side Dairy Nitrate at 2' 4	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01	48.9 181.6 side Dairy Nitrate at 2' 4 3	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range Less than 15 ppm Less than 55 lbs/acre Medium	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than SS Ibs/acre Medium Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 22 24	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 24 16	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 22 24	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 24 15 17	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 03 CP Little Dairy N Little Dairy W	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 3 3 3 15	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 29.8 17 26.1 30 15 22.5	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range 53-30 ppm 55-110 lbs/acre	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 29.8 17 26.1 30 15 22.5	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 22 24 17 26.1 30 15 22.5 22	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 12 22 24 6 29.8 12 22 24 16 22 24 17 26.1 30 17 22.5 22 24 31 37 34	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22.5 22.5 22.5 31 37 34 15	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 34 31 37 34 5 20	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 15 22 24 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 22 24 15 22 24 15 15 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 22 22 24 15 15 22 22 22 24 15 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 30 15 30 15 30 15 32.5 31 37 34 15 20 20 24 4 35.5	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 15 22 24 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 22 24 15 22 24 15 15 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 22 22 24 15 15 22 22 22 24 15 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy N Case's Field 04 Little Dairy E Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 27 24.6 29.8 17 26.1 30 17 26.1 30 17 26.1 30 4 35 22.5 22 24 17 26.1 30 4 35 22.5 22 24 37 34 15 20 4 35 37 34 15 26 26 26 26 26 26 26 26 26 26	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Veroy High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Alrport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 31 37 37 33 34 35.5 38	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward.		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fall Soil Test Altrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy N Little Dairy N Little Dairy S Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 34 15 22.5 22 22 24 5 22 22 24 5 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 24 35 22 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 22 22 22 22 22 24 35 22 22 22 22 22 31 37 34 4 35 220 22 22 22 22 22 22 22 22 2	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre Nigh Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very Migh Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy S Tom 03 70 ac Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 03 Karl's Field 05	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 17 26.1 30 15 22.5 22 24 5 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 22 24 15 22 22 22 24 15 22 22 22 22 24 15 22 22 22 22 24 15 22 22 22 24 15 22 22 22 22 24 15 22 22 22 22 22 24 15 22 22 22 24 15 22 22 22 24 44 35 5 28 44 35 5 28 44 35 5 28 44 35 5 26 44 35 5 26 48 38 5 5 5 26 48 38 5 5 5 5 48 48 5 5 5 48 5 5 5 5 48 5 5 5 5 5 48 5 5 5 5 5 5 5 5 5 5 5 5 5	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward.		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fall Soil Test Altrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Uttle Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's Field 05 Guerra	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 37 37 37 37 37 35.5 38 60 52 52 56	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fail Soil Test Mitrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy S Tom 03 70 ac Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 03 Karl's Field 05	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 17 26.1 30 15 22.5 22 24 15 22.5 22 24 15 22.5 22 24 15 25 60 55 60 55 56 48	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High: Fall Soil Test Mitrate Range • 31.45 ppm • 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's Field 03 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's Field 03 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's Field 03 Little Dairy E P01 P02 P03 Rick's Tom 01 N	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments

# Annual NPDES reports from Sunnyside Dairy 2019 to 2021

Sunnyside Dairy	24	10	<u> </u>	22 C	301
Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions based upon Trends	Comments
Low	60 ac	7.9	None	400	
Fall Soil Test Nitrate Range	70 Pivot 01 Kari's	8.6	Sector as an		
<ul> <li>Less than 15 ppm</li> </ul>	100 ac	10.3			
<ul> <li>Less than 55 lbs/acre</li> </ul>	70 ac Pivot 01 Karl's	8.6	1		
	70 ac Pivot 02 Karl's	8.0			
	Field 01	9.0	6		
	Orchard	13.4			
	Tom 01 N	11.8			
	Case's	12.3	ŝ.		
	Tom 03 70 ac	5.6			
	Airport 01	3.4			
	Airport 03	7.5	<u> </u>		
Medium	Wade's 02	15.4	None		
Fall Soil Test Nitrate Range	70 ac Pivot 03 Karl's	19.2			
<ul> <li>15-30 ppm</li> </ul>	Field 02	22.5			
<ul> <li>55-110 lbs/acre</li> </ul>	Field 03 CP	23.7	1		
	Rick's	15.7			
	Tom 02 W	19.3			
	Field 05	28.5			
	Guerra	17.6			
	Little Dairy E	16.0	1		
	Little Dairy N	20.1			
	Little Dairy W	24.6			
	P 01	23.3			
	P 02	28.2	1 C C C C C C C C C C C C C C C C C C C		
	P 03	21.9			
	P 05	21.9			
High	Field 03 Linear	38.4	Reduce application	Watch Field 03 Linear	
Fall Soil Test Nitrate Range	Field 04	31.8	the set approximation	and Field 04 as two	
<ul> <li>31-45 ppm</li> </ul>	Wade's 01	39.4	3	years in High or Very	
<ul> <li>111-165 lbs/acre</li> </ul>				High	
very regit	Wade's 03	54.8	Reduce application	Watch P04 and Wade's	
Fall Soll Test Mitrate Range	Airport 02	49.4	R 200	03 as two years in High	
<ul> <li>More than 45 ppm</li> </ul>	P 04	58.3		or Very High	
<ul> <li>More than165 lbs/acre.</li> </ul>	E WELL	20.3			

Attachment 2: Email from Shawn Magee at the Yakima Health District, October 20, 2021:

# Follow-Up Info for Public Records Request Email 1 of 2

Good Afternoon Ms. Mendoza,

Below is a the response to the question you asked in a follow-up email for the records request you submitted. Also, attached are the records we have for your follow-up request.

Please note that many facilities, including exempt composters, are supposed to submit a notice of intent – many have not. Also, many facilities, including exempt composters, are supposed to submit an annual report – many have not. These records are from 2010-present.

. . . . . . .

Shawn Magee, R.S.

Environmental Health Director

Yakima Health District

Office: (509) 249-6533



# Attachment 3: Soil Nitrate Reports from George DeRuyter & Son Dairy

	-		Web: agrint	prosent.				Fer	tilit	Y R	epo	rt	
George DeR	uvter	& Sons	(Y281	)						97 GEN	0.7/1990		F13-060
Field: GDS	1000	W-3335	10.00	26	cres:	99.1		Se	mple 1	Date:	10/17/2	013	757
Crop: Tritic				333	70656)	Wheel lin		0.32	vious C	10100	2013 A	Ifalfa	
Crop: Thuc	ale-300			11	rigation	, white a m			rrent C			riticale Su	dan
Soil series:	Scool	n silt loar	n		Leach	Hazard:	.ow	1	vo. of S	ites:	30		
Topography:		y undulat						vg Samp			3.0		
Restrictive laye	122.5		COLORISA D	on the	surface.	caliche lay		- S - Sandy			10000		
Residue Incor	1922 - 1952		S			ale-Sudan		d					
승규가 아름다 가지 않는 사람이 했다.													1001532
		Whitish s				ampling th d ridges.	G IIIIN	aic waa	GL 2-4	tan. Y	Giuntee	r anana,	com, a
		ppm A	tobile l	Nutrien	ts (Ibs/	ac) Excl	. / S	oluble B	ases (	meq/	100g)	Other	Data
	Depth	NO ;	NO <sub>3</sub>	NH 4	SO 4	B	Ca I	Mg A	Na	T.B.	CEC	VolWt	%AW
Sample Area	wepm		65	7	37	1.6 16	20 3	3.90 1.04	0.30	21.44	19.2	1.25	75%
Construction of the Owner of the	1'	19	00	1001107									
Field Composite Field Composite	1' z'	24	81	108107								1.25	88%
Field Composite Field Composite	1'	24 14	81 49									1.25 1.25	
Sample Area Field Composite Field Composite Field Composite	1' z'	24	81	7	37	1.6						92,070	
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resid	24 14 Totals:	81 49 195 tes are	moderat	e. Amm	onium is in	equilit	brium. S	ulfur is	adequ	ate, whi	1.25	81%
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resik ossibly	24 14 Totals: Jual nitra	81 49 195 tes are Sodiu	moderat m is favo	e. Ammorably lov	onium is in			ulfur is	adequ	ate, whi	1.25	81%
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resik ossibly	24 14 Totals: dual nitra marginal	81 49 195 tes are Sodiu	moderat m is favo rients ()	e. Ammorably lov	onium is in ver.		ta	ulfur is mhos/c		ate, whi	1.25 le boron	81%
Field Composite Field Composite Field Composite Comments: Ţ P	1' 2' 3' he resit ossibly	24 14 Totals: dual nitra marginal <b>Immob</b>	81 49 195 tes are Sodiu	moderat m is favo rients () <u>Mn</u>	e. Ammo prably lov	onium is in ver. Chemica	ni Dat	a <u>EC m</u>		<u>m</u> _		1.25 le boron	81%

CONSULTANTS	1		Web: agring	Laim			F	Fert	ilit	VR	epo	ort	
George DeF	avter a	Son	(Y281)	)				27.010				000500	F13-056
Field: GDS	S		. (		cres:	135.6		San	nle D	ate:	10/14/2	2013	757
Crop: Tritic		ae Corr	2	33	100	: Center pivot	Sample Date: Previous Crop:				2013 T	age com	
Crop.			15			6. STATISTICS (1999) - 1990) - 1990000000000000000000000000000000000		Curi	ent C	rop:	2014 T	inticale-Sil	age com
Soil series:	Ward	en silt k	am		Leach	Hazard: Low		No	o. of S	ites:	30		
Topography:	Gently	/ divide	d sloping				Avg S				3.0		
Restrictive lay	er? Y	Wher	e? Some	rocks,	mainly in	the NW corner		-	31.5				
ACCOUNT CONFECTION IN													
		Type	Scatte	red cult	tivation st	rips.							
Residue Incor Comments: §	<i>p?</i> N	1.00				rips. nt weed cover.	Corn	stalk s	ize wa	as non	mal. So	oil surfac	e was
Residue Incor Comments: §	p? N Sampled	a three		compo	site. Ligi	nt weed cover.							
Residue Incor, Comments: 5	p? N Sampled	a three	foot field	compo	site. Ligi	t weed cover.					100g)		Data
Residue Incor Comments: 5 0 Sample Area	<b>p?</b> N Sampled Iry.	a three	foot field Mobile N	compo Iutrien	site. Ligi ts (Ibs/4 <u>SO 4</u>	nt weed cover.	Solub	le Ba	ses (I	meq/	100g)	Other VolWt	Data %AW
Residue Incor Comments: §	<b>p?</b> N Sampled Iry.	a three	foot field Mobile N	compo lutrien <u>NH 4</u>	site. Ligi ts (Ibs/4 <u>SO 4</u>	t weed cover.	Solub <u>Mg</u>	le Ba	ses (I	meq/ T.B.	100g) CEC	Other VolWt	Data %AW 90% 85%

Comments: The residual nitrates are excessive. Ammonium is in equilibrium. Sulfur and boron are very high. Sodium is slightly to moderately elevated.

		Imn	nobile	Nuti	rients	(ppi	m)	Chemical Data					
Sample Area	Depth	P	way K	Zn	Mn	Fe	Си	O.M.	pН	EC mmhos/cm	Eff/Calc.		
Field Composite	1'	398	2650	13.5	2.9	31	2.8	3.3%	7.8	2.34	Yes		

1774

7

Contraction of the second of the second	1		Web: agring	JLCOM				Fer	tilit	y R	epo	ort	
George DeF	Ruyter &	& Sons	(Y281	)									F13-054
Field: GDS	S-SU-07		10000 - 10090 C.C		cres:	76.6		Sa	nple D	ate:	10/9/2	013	757
Crop: Alfal	fa			1	rrigation	Center p	ivot	Prev	ious C rent C	rop:	2013 / 2014 /	13103	
Soil series:	Ward	en silt lo	am		Leach	Hazard:	Low No. of Site			ites:	30		
Topography:	Gently	undula	ting.				Avg Sampling Depti				2.6		
Restrictive lay	10		50T0 - 55	s in scat	ttered site	s.			184				
Residue Incor	10 1993												
	23	199		line and the second second						2.22			1
Comments: §	Sampled	a three	foot field	1 compo	site. Har	vested red	ently.	Alfalfa at	2-3" tai	l with	a 50%	canopy	overail.
Comments: §	Sampled	1			ts (Ibs/a	And a state of the	<u> 8</u>	Alfalfa at Muble Ba					
	Sampled Depth				ts (lbs/a	ec) Exc	h. / So				100g)		Data
Sample Area	201200 12 12 12	ppm	fobile l	Vutrien	ts (lbs/a	B	h. / So Ca M	luble Ba	ses (n	neq/	100g)	Other VolWt	Data %AW 78%
Sample Area Field Composite	Depth 1' 2'	ppm M NQ 3	NO 3	Vutrien	ts (lbs/4 <u>SO 4</u>	B	h./So Ca M	luble Ba Ig K	ses (n <u>Na</u>	neq/ T.B.	100g) CEC	Other VolWt	Data %AW 5 78% 5 82%
Sample Area Field Composite Field Composite	Depth 1'	ppm <u>NO</u> 3 31	<b>NO</b> 3 104	Vutrien	ts (lbs/4 <u>SO 4</u>	B	h./So Ca M	luble Ba Ig K	ses (n <u>Na</u>	neq/ T.B.	100g) CEC	Other VolWt	Data %AW 5 78% 5 82%
	Depth 1' 2' 3'	ppm NO 3 31 74 76 Totals: nitrates	10bile 1 <u>NO 3</u> 104 252 257 613	Nutrien <u>NH</u> 5	ts (lbs/4 <u>SO 4</u> 286 286	<b>B</b> 5.1 19	h. / Sa Ca <u>N</u> 190 4	luble Ba <u>Ag</u> <u>K</u> 00 1.94	nses (n <u>Na</u> 0.72	neq/ T.B. 26.56	100g) <u>CEC</u> 16.1	Other VolWt 1.2 1.2 1.2	Data %AW 5 78% 5 82% 5 74%
Sample Area Field Composite Field Composite Field Composite	Depth 1' 2' 3' Residual lightly el	ppm NO 3 31 74 76 Totals: nitrates	1000 100 100 100 100 100 100 100 100 10	Nutrien <u>NH 4</u> 5 5	286 0nium is i	B B 5.1 5.1 5.1	h. / So Ca <u>N</u> .80 4	fuble Ba	nses (n <u>Na</u> 0.72	neq/ T.B. 26.56	100g) <u>CEC</u> 16.1	Other VolWt 1.2 1.2 1.2	Data %AW 5 78% 5 82% 5 74%
Sample Area Field Composite Field Composite Field Composite	Depth 1' 2' 3' Residual lightly el	ppm NO 3 31 74 76 Totals: nitrates evated.	1000 100 100 100 100 100 100 100 100 10	Nutrien <u>NH 4</u> 5 1. Amm rients (	286 0nium is i	<b>B</b> <b>B</b> 5.1 18 5.1 n equilibriu	h. / So Ca <u>N</u> .80 4	fuble Ba	nses (n <u>Na</u> 0.72	neq/ <u>T.B.</u> 26.56	100g) <u>CEC</u> 16.1	Other	Data %AW 5 78% 5 82% 5 74%

	1	Immol	bile Nuti	rients (	(ppm)	Chem	ical Di	ata							
			S.		an - 1983	- den			0.00		<u>.</u>		-		
	Residual elevated.		s are high	n. Amm	ionium is	in equilit	rium.	Sulfur	and b	oron a	are hig	h. Sod	ium is s	lightly	
259 (55 (56 (57 (57 (57 (57 (57 (57 (57 (57 (57 (57		Totals:	786	5	384	6.2									
Field Composite	3'	102	348			0.00.000							1.28	5 70%	
Field Composite	2'	82	277										1.28	5 75%	
Field Composite	1"	47	161	5	384	6.2	17.00	4.30	3.38	0.70	25.38	17.4	1.2	5 65%	
Sample Area	Depth	NO,	NO,	NH 4	SO,	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW	
		ppm	Mobile I	Vutrier	nts (lbs/	ac) Ex	ch. /	Solub	le Ba	ses (i	meq/	100g)	Other	Data	
					isible on t			ounac	ab uny.	ocar		ight to i	nogera	o nood.	
	1.11		3		osite. Po			eurfac	e dev	Scat	lered li	ight to a	noderet	e weed	
Residue Inco.	1000				erate stal										
Restrictive la	1. 1949.20			ered mo	derately	compact			11. C. C. C. C.	- M.	************************************				
Topography:	Gentl	v undul	ating		1.110.200	N 2300 (566)	0.01250	Avg S		10.00		2.7			
Soil series:	Ward	en silt	loam		Leach	h Hazard	Low		N	o. of S	ites:	32			
1999					5 368 mm				Cur	rent C	rop:	2014 T	riticale-Si	lage com	
Crop: Triti	icale-Sila	ge Con	n	3	rrigation	: Cente	pivot		Previ	ous C	rop:	2013 T	2013 Triticale-Silage corr		
Field: GD	S-SU-06			1	Acres:	84.5			San	nple L	Date:	10/16/2	2013		
George Del		& Son	s (Y281	)										F13-050	
											,	cpo			
			Web: agrint	gtoom				F	ert	-111+	VR	eno	rt		
			Wab: sgrint	gLoom				F	ert	lilit	VR	epo	rt		

	1	Yakime, WA 9	Web: agring	Fax: (509) 6 Loom					Fert	ilit	y R	epo	rt	
George DeR	uvter á	& Sons	(Y281)	is in the second se					S 1544					F13-060
Fleid: GDS			<b>(</b>		cres:	169	5.5		Sar	nple D	ata:	10/17/2	013	757
									2.538	ious C				
Crop: Tritic	ale-Sila	ge Corn		In	rigation	I: Ce	nter pivo			rent C			iticale-Sil	age com age com
Soil series:	Ward	en silt loa	am		Leach	Haz	ard: Low		N	o. of S	ites:	30		
Topography:	Gentl	e undulat	tion, sou	th slope					Sampli			2.6		
Restrictive lay	2430000332		? Hard			bout 2	4"		Sampa			12022		
Residue Incor	RNS - 829		Corn		8 (1 <b>7</b> ) (17 7 1 1									
	2011 - 1911 1911 - 1911					27.50	2421142101		20.0500M	0.0320	40.00	1000000	2122388	0.254205
		a three f	ghout th	e field.	Some sr	nut be	odies on	the re	maining	stalk	s. Salt	s on the	e soil su	rface.
		ppm <sup>N</sup>	lobile N	lutrient	ts (lbs/	ac)	Exch.	Solu	ible Ba	ses (I	neq/:	100g)	Other	Data
Sample Area	Depth	NO,	NO 3	NH .	SO .	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW
Field Composite	1'	161	549	4	755	9.2	17.10	5.00	7.63	1.27	31.00	17.6	1.25	77%
Field Composite	2	161	546										1.25	
Field Composite	3	139	472			-							1.25	74%
		Totals:	1567	4	755	9.2								
Commenter 7		dual nitra aly elevat		470,0000			emical				onare	nign. c		15
0.		Immobi	le Nutr	ients ()	opm)	Ch	ennicari						and a	
ŕ		Immobi P <sup>P(wei)</sup> I	lle Nutr K Zn		opm) Fe Cu	1		DH	EC mm	hos/c	m 1	Eff/Calc		
		5-5-0al535	K Zn	Mn 1		1		<b>PH</b> 7.7	EC mm			Eff/Calc /es	<u>.</u>	
Sample Area Field Composite Comments:	Depth 1'	P P(ece)	K Zn 6 13.7 Zn are	$\frac{Mn}{2.2}$ very hig	Fe <u>Cu</u> 25 4.0 h. Mn is	s low,	0.M. 3.4% while Fe	7.7	1.4	33	- ī	'es	55 93923	high. S
Sample Area Field Composite Comments:	Depth 1' The soil I oH is alk	P <sup>P(word)</sup> 1 243 297 P, K, and	K Zn 6 13.7 Zn are 1 salts ar	$\frac{Mn}{2.2}$ very hig	Fe <u>Cu</u> 25 4.0 h. Mn is	s low,	0.M. 3.4% while Fe	7.7	1.4	33	- ī	'es	55 93923	high. S
Sample Area Field Composite Comments:	Depth 1' The soil I oH is alk	P <sup>P(wei)</sup> 243 297 P, K, and aline and	K Zn 6 13.7 IZn are I salts ar	$\frac{Mn}{2.2}$ very hig	Fe Cu 25 4.0 h. Mn is rately ele	s low, evated	0.M. 3.4% while Fe	7.7 and (	1. Cu are s	33 ufficie	- ī	'es	55 93923	high. S

	1		Web: agring	toon					-			10000	1000	
									-ert	int	y R	epo	IT	
George DeR	uyter a	& Sons	(Y281	)										F13-053
Field: GDS	-SU-05			A	cres:	1	00.6		San	aple D	ate:	10/9/20	013	757
Crop: Tritic	ale-Sila	ge Corn		I	rigatio	n: C	enter pivot		Previ	ous C	rop:	2013 T	rtticale-Sil	lage Com
	8						12		Curi	rent C	rop:	2014 T	riticale-Sil	lage Com
Soil series:	Ward	en silt lo	am		Leac	h Ha	zard: Low		No	o. of S	ites:	30		
Topography:	Gently	y to mod	ierately u	Indulatin	ıg.			Avg S	Sampli	81.77%		2.4		
Restrictive lay	er? Y	Wher	? Rocks	through	nout at a	scatt	ered sites.							
Residue Incor	p? N	Type?	Light	stalks, p	artly dis	ked	in early fall.							
Comments: S	ampled	a three	foot field	compo	site. Th	iere h	had been m	odera	te to h	eavy v	veeds	in this f	field.	
	14111201414	ppm 1	Mobile N	lutrien	ts (Ibs,	/ac)	Exch. /	Solut	)e Ba	ses (I	meq/	100g)	Other	Data
Sample Area	Depth	NO 3	NO 3	NH 4	SO .	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW
Field Composite	1'	263	894	4	972	12.3	17.10	5.10	7.62	1.45	31.27	17.4	1.25	74%
Fleid Composite	2'	254	864										1.25	10 1000
		1000	894										1.25	81%
Fleid Composite	3.	263 Totals:	2652		972	12.3								

Comments: Residual nitrates are excessive. Ammonium is in equilibrium. Sulfur and boron are very high. Sodium is moderately elevated.

		Imm	nobile	Nuti	ients	(ppi	m)	Chemica	I Data	1	
Sample Area	Depth	P*	**** <b>K</b>	Zn	Mn	Fe	Cu	O.M.	pH	EC mmhos/cm	Eff/Calc.
Field Composite	1'	529	2970	12.8	2.1	17.1	2.6	1.6%	7.7	3.56	Yes

CONSULTANTS		Yakima, WA 98	Web agrim	Pas: (509) 5 gLoom		State of	11110	F	ert	ilit	y R	ep	ort	
George DeR	uyter 8	Sons	(Y281	)							52	235		F13-0561
Field: GDS	1.5 0 0 0 0 0		A.W.200 (1999)		cres:	34.6			San	nple L	Date:	10/14	/2013	7577
Crop: Tritic	ale-Silar	e Com		h	rigation:	Center	Pivo	2		ous C		2013	Alfalfa	
crop.		8							Cur	rent C	rop:	2014	Triticale-S	ilage Com
Soil series:	Warde	en silt loa	m		Leach I	Hazard:	Low	li.	N	o. of S	ites:	30		
Copography:	Split b	y swale,	gently a	undulatin	1g			Avg S	ampli	ng De	pth:	2.9		
Restrictive laye	7? Y	Where	? Some	rocks a	nd hard p	an.								
Residue Incorp	? N	Type?	Light	to mode	rate crown	ns.								
al	falfa was	s at 1-3"	tall. Th	ne soil su	site. The urface was /ith grassy	s dry. W	/eeds	pling de were r	epth w minima	as at al, son	34". Al ne dar	t the ti idelior	me of sa 1. The so	impling th oil was ve
u					- /11- /-	-1	ch /	Saluh	le Ra	ene la	ment	1000	) Other	Data
G		ppm M	obile l	utrien	cs (IDS/a	C) EX	cn. /	30100	No De	ses (	mey/	roog	/ Cure	Dute
Sample Area	Depth	ppm M	NO 3	NH 4	Construction of the	B	Ca	Mg	K	Na	T.B.		C VolWt	

Comments: Residual nitrates are moderate to high. Ammonium is at equilibrium. Sulfur and boron are plenty high. Sodium is only slightly elevated.

4.3

2'

3'

Field Composite

Field Composite

28

27

Totals:

96

92

272

3

160

		Immo	bile	Nutr	ients	(ppr	n)	Chemica	l Data	,	
Sample Area	Depth	P Piece	K	Zn	Mn	Fe	Си	O.M.	pH	EC mmhos/cm	Eff/Calc.
Field Composite	1'	150	800	8.5	2.5	26	2.0	2.4%	7.5	1.05	Yes
Comments: T	he soil	PKa	nd Z	n are	plenty	hiah	Mn	is low, while	Fe ar	nd Cu are adequate.	Organic matter is

Comments: The soil P, K, and Zn are plenty high. Mn is low, while Fe and Cu are adequate. Organic matter is above average. The soil pH is moderately alkaline, while salts are slightly elevated.

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

1.25

1.25 50%

40%

	-1		Web: agring	p.com				ŀ	ert	ilit	y R	epo	ort	
George DeF	Ruyter &	& Sons	(Y281	)										F13-056
Field: GDS	S-SU-10			A	cres:	38.5			San	nple L	ate:	10/15/	2013	757
Crop: Alfai	fa			7	rigation.	· Cent	er nivot		Previ	ious C	rop:	2013	Triticale-S	lage com
Crop: And					rigation		or piror			rent C		2014	Alfalfa	
Soil series:	Ward	en silt lo	am		Leach	Hazar	d: Low		Ne	o. of S	ites:	25		
Topography:	Genth	y undula	ating			0-010170300		Avg S		2 . T		3.0		
Restrictive lay	er? Y	When	e? Scatte	ared con	npacted z	rones a	at 26-36		100000		1997-1903			
				576 ANO 181	rate resid			,	10.015					
Residue Incor	889	Type	main	to mode	Tere reere									
Comments: §	sampled	a three	foot field	l compo	eita Poe	t hanve	et Vor	v light	eratte	neri ea	ite on t	the su	face	iaht to
		weeds	. Genera	ally good	site. Pos I stalk dia ts (Ibs/a	meter.				2_1122			-	
ſ	noderate	ppm	. Genera Mobile I	ally good N <i>utrien</i>	i stalk dia <b>ts (Ibs/a</b>	ameter. ac)				2_1122		100g)	-	Data
r Sample Area		weeds	. Genera	ally good	i stalk dia <b>ts (Ibs/a</b>	meter.	Exch. /			ses (I	meq/:	100g)	Other	Data %AW
r Sample Area Field Composite	noderate	ppm <u>NO</u> 3	. Genera Mobile I NO 3	NH 4	ts (Ibs/a	ameter. ac) B	Exch. / Ca	Solub <u>Mg</u>	ie Ba K	ses (I	meq/: <u>T.B.</u>	100g)	Other VolWt	Data %AW 5 75%
r Sample Area Field Composite Field Composite	noderate	ppm NO 49	. Generation Mobile I <u>NO 3</u> 167	NH 4	ts (Ibs/a	ameter. ac) B	Exch. / Ca	Solub <u>Mg</u>	ie Ba K	ses (I	meq/: <u>T.B.</u>	100g)	Other C VolWt 1.2	Data %AW 5 75% 5 74%
r Sample Area Field Composite Field Composite	noderate	weeds <i>ppm</i> <u>NO</u> 49 38	. Genera Mobile / NO ; 167 128	NH 4	ts (Ibs/a	ameter. ac) B	Exch. / Ca	Solub <u>Mg</u>	ie Ba K	ses (I	meq/: <u>T.B.</u>	100g)	Other C VolWt 1.2 1.2	Data %AW 5 75% 5 74%
Field Composite Field Composite Field Composite Field Composite	noderate <u> <i>Depth</i></u> 1' 2' 3' The resid	ppm NO y 49 38 22 Totals:	. General Mobile / NO 3 167 128 74 369	Ally good Nutrien NH 4 2 2 high. Ar	stalk dia ts (Ibs/a <u>SO 4</u> 153	2.2	Exch. / <u>Ca</u> 19.80	Solub <u>Mg</u> 3.00	ele Ba <u>K</u> 1.85	ses (1 <u>Na</u> 0.69	<b>T.B.</b> 25.34	100g) <u>CEC</u>	Other 1.2 1.2 1.2	<b>Data</b> <b>%AW</b> 5 75% 5 74% 5 72%
Field Composite Field Composite Field Composite Field Composite	noderate <u>Depth</u> 1' 2' 3' The resid Sodium is	ppm <u>NO</u> j 49 38 22 Totals: lual nitra s slight	. General Mobile I <u>NO 3</u> 167 128 74 369 ates are	Ally good Nutrien NH 4 2 2 high. Ar d.	d stalk dia <i>ts (Ibs/a</i> <u>SO 4</u> 153 153 nmonium	ameter. B 2.2 2.2 is in e	Exch. / <u>Ca</u> 19.80	<i>Solub</i> <u><i>Mg</i></u> 3.00	ele Ba <u>K</u> 1.85	ses (1 <u>Na</u> 0.69	<b>T.B.</b> 25.34	100g) <u>CEC</u>	Other 1.2 1.2 1.2	<b>Data</b> <b>%AW</b> 5 75% 5 74% 5 72%
Sample Area Field Composite Field Composite Field Composite	noderate <u>Depth</u> 1' 2' 3' The resid Sodium is	ppm <u>NO</u> j 49 38 22 Totals: lual nitra s slightly	. General Mobile / Mobile / 167 128 74 369 ates are l y elevate	Ally good Nutrien <u>NH 4</u> 2 high. Ar d.	d stalk dia <i>ts (Ibs/a</i> <u>SO 4</u> 153 153 nmonium	ameter. B 2.2 2.2 1 is in e Cher	Exch. / <u>Ca</u> 19.80 equilibriu mical D	Solut <u>Mg</u> 3.00 im. Su	ele Ba <u>K</u> 1.85	ses (/ <u>Na</u> 0.69	<b><i>T.B.</i></b> 25.34 high,	100g) <u>CEC</u>	C VolWt 1.2 1.2 1.2 0ron is s	Data %AW 5 75% 5 74% 5 72%

Comments: The soil P, K, and Zn are plenty high. Mn and Fe are low, while Cu is sufficient. Organic matter is above average. Soil pH is moderately alkaline, while salts are favorably lower.

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

CONSULTANTS	_		Web, agrins	gLoom					Fer	tilit	y R	epo	ort	
George DeF	Ruyter	& Sons	(Y281	)										F13-05
Field: GDS	S-SU-11			<u></u>	Acres:		8.1		Sa	mple 1	Date:	10/16/2	2013	75
Crop: Alfa	lfa				Irriga	tion:	Wheel lin	e		ious C rent C	1.	2013 1 2014 /	'riticale-Sı Vifalfa	udan gras
Soil series:	Ward	en silt lo	am		Le	ach l	Hazard: L	wo	Δ	o. of S	ites:	18		
Topography:		900-9419-03			930				g Samp	Sec. 201		2.7		
Restrictive lay	er? Y	When	2 Scatt	ered an	eas of	mod	erately to a					67.187.52	0-36" ra	nae
Residue Incor	- 20 - 21 - E	54 54	57263239	Sudan			and the state of t	grand	any our					
		1000					harvest.	Alfalfa	planted.	Scatte	ered ar	eas of	light salt	ts on th
Comments:		a three		d comp	osite.	Post			planted. <i>luble Bi</i>	122511	00.000.00		-785.000	
Comments: §	Sampled	a three	foot field	d comp Nutrie	osite. nts (II	Post	c) Exch	. / So		122511	00.000.00	100g)	-785.000	Data
Comments: §	Sampled surface.	a three	foot field	d comp	osite. nts (II	Post	c) Exch	./So Ca M	luble Bi	ises (	meq/	100g)	Other	Data %AW
Comments: s s Sample Area Field Composite	Sampled surface.	a three	foot field	d comp Nutries <u>NH 4</u>	osite. nts (II SO	Post	c) Exch B (	./So Ca M	luble Bi Ig K	ses ( Na	meq/. T.B.	100g)	Other VolWt	Data %AW 70%
Comments:	Sampled surface. <u>Depth</u>	a three	foot field foolle / <u>NO 3</u> 132	d comp Nutries <u>NH 4</u>	osite. nts (II SO	Post	c) Exch B (	./So Ca M	luble Bi Ig K	ses ( Na	meq/. T.B.	100g)	Other VolWt	Data %AW 5 70% 5 75%
Comments:	Sampled surface. <u>Depth</u> 1' 2'	a three	foot field <b>10bile i</b> <b>NO 3</b> 132 129	d comp Nutries <u>NH 4</u>	osite. nts (II SO	Post bs/a	c) Exch B (	./So Ca M	luble Bi Ig K	ses ( Na	meq/. T.B.	100g)	Other VolWt 1.20	Data %AW 5 70% 5 75%
Comments: s Sample Area Field Composite Field Composite Field Composite Field Composite	Sampled surface. <u>Depth</u> 1' 2' 3' Residual slightly el	a three ppm / <u>NO</u> , 39 38 31 Totals: nitrates evated.	foot field <b>10bile 1</b> <b>10bile 1</b> <b>10bil</b>	d comp Nutrier <u>NH 4</u> 9 8 n. Amm	osite. <b>nts (//</b> <u>SO</u> 116 116 116	Post	c) Exch <u>B</u> <u>C</u> 3.6 17.1 3.6 1 equilibriu	. <b>/ So</b> Ca <u>M</u> 80 4,	<i>luble Bi</i> f <u>g</u> <u>K</u> 00 2.32	ases ( <u>Na</u> 0.54	meq/. <u>T.B.</u> 24.66	100g) <u>CEC</u>	Other VolWt 1.20 1.20	<b>Data</b> %AW 5 70% 5 75% 5 80%
Comments: s Sample Area Field Composite Field Composite Field Composite Comments: s	Sampled surface. <u>Depth</u> 1' 2' 3' Residual slightly e	a three ppm / <u>NO</u> , 39 38 31 Totals: nitrates evated. Immob	foot field Aobile 1 <u>NO 3</u> 132 129 104 385 are high <i>ile Nutr</i>	d comp Nutrier <u>NH 4</u> 9 8 n. Amm rients	osite. nts (II SO 116 116 116 (ppm,	Post	<ul> <li>c) Exch</li> <li>B ( 3.6 17.1</li> <li>3.6</li> <li>a equilibrium</li> <li>Chemical</li> </ul>	. / So Ca <u>M</u> 80 4.1 m. Sul	Iuble Bi           Ig         K           1g         K           1g <td>ases ( <u>Na</u> 0.54</td> <td><b><i>T.B.</i></b> 24.66</td> <td>100g) <u>CEC</u> nty high</td> <td>Other 128 128 128</td> <td><b>Data</b> %AW 5 70% 5 75% 5 80%</td>	ases ( <u>Na</u> 0.54	<b><i>T.B.</i></b> 24.66	100g) <u>CEC</u> nty high	Other 128 128 128	<b>Data</b> %AW 5 70% 5 75% 5 80%
Comments: s Sample Area Field Composite Field Composite Field Composite Field Composite	Sampled surface. <u>Depth</u> 1' 2' 3' Residual slightly el	a three ppm / <u>NO</u> , 39 38 31 Totals: nitrates evated.	foot field Aobile 1 NO 3 132 129 104 365 are high ile Nutr K Zn	d comp Nutrier <u>NH 4</u> 9 8 n. Amm	osite. nts (II SO 116 116 116 100 100 100 100 100	Post	c) Exch <u>B</u> <u>C</u> 3.6 17.1 3.6 1 equilibriu	. <b>/ So</b> Ca <u>M</u> 80 4,	Iuble Bi           Ig         K           1g         00         2.32           Ifur and I         00         00           EC min         00         00	ases ( <u>Na</u> 0.54	meq/. <u>T.B.</u> 24.68 are ple	100g) <u>CEC</u>	Other 128 128 128	<b>Data</b> %AW 5 70% 5 75% 5 80%

AGRICULTURAL GONSULTANTS			Web: agrim	yt.com					Fert		VP	enc	ort	
									ren		<b>y</b> n	epu		
George DeR	Ruyter a	& Son	s (Y281	)										F13-05
Field: GDS	S-SU-12			1	Acres:	40	5		San	nple L	Date:	10/7/20	013	10
Crop: Tritic	cale-Sila	ae Con	n	1	rrigatio	on: Ril	ř.		Previ	ious C	rop:	2013 T	riticale-Sil	age com
crop.									Cur	rent C	rop:	2014 T	riticale-SII	age com
Soil series:	Ward	en silt l	oam		Lea	ch Haz	ard: Lo	W	N	o. of S	ites:	25		
Topography:	Very	entie t	o gentie s	S-SW s	lope			AV	sampli	ing De	pth:	2.8		
Restrictive lay	er? Y	Whe	e? Com	acted s	soil and	rocks i	n scatte	100000	AUX-2010					
Residue Incor		Type	? Light	stalks.										
Commantes C	Same In d	a three	foot field			Stalk dia	meter i	s gene	rally oka	y. So	me sn	nall wee	ed patche	85.
			in the We	st Half.										
				1012		s/ac)	Exch.	/ Sol	uble Ba	ses (	meq/	100g)	Other	Data
c		lanted	in the We	1012	nts (Ibs		Exch. Ci			ses ( Na	meq/ T.B.		Other VolWt	
C Sample Area Field Composite	Depth	ppm	in the We Mobile I NO 3 570	Nutrier	nts (Ibs			a M	g K				VolWt 1.25	%AW 80%
C Sample Area Field Composite Field Composite	Depth	ppm <u>NO</u> 3 168 125	in the We Mobile I <u>NO 3</u> 570 426	Nutrier NH 4	so ,	B	G	a M	g K	Na	T.B.	CEC	VolW1 1.25 1.25	%AW 80% 88%
C Sample Area Field Composite Field Composite	Depth	lanted ppm <u>NO</u> 3 168	in the We Mobile I NO 3 570	Nutrier NH 4	so ,	B	G	a M	g K	Na	T.B.	CEC	VolWt 1.25	%AW 80% 88%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth Depth 1' 2' 3'	Inted	in the We Mobile I <u>NO 3</u> 570 426 322	Nutrier <u>NH 4</u> 9 8 high. A	670	<u>B</u> 3.0	<u>C</u> 21.3	a <u>M</u> 0 43	<u>g</u> <u><u>K</u> 1.73</u>	Na 0.59	<i>T.B.</i> 27.82	CEC 16.1	VolWt 1.25 1.25 1.25	%AW 80% 88% 95%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth 2 3' The resic Sodium i	Inted	in the We <b>Mobile 1</b> <u>NO 3</u> 570 426 322 1318 rates are	Nutrier <u>NH 4</u> 9 8 high. A avated.	nts ( <i>Ibs</i> <u>SO 4</u> 670 670	<u>B</u> 3.0 3.0 um is ir	<u>C</u> 21.3	a <u>M</u> 0 43	<u>g</u> <u>K</u> 1.73 Sulfur is	Na 0.59	<i>T.B.</i> 27.82	CEC 16.1	VolWt 1.25 1.25 1.25	%AW 80% 88% 95%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth 1' 2' 3' The resid Sodium i	Inted	In the We Mobile I NO 3 570 426 322 1318 rates are slightly ele	Nutrier <u>NH 4</u> 9 8 high. A avated.	nts ( <i>Ibs</i> <u>SO 4</u> 670 670	3.0 3.0 Um is ir	21.3	a <u>M</u> 0 43	<u>g</u> <u>K</u> 1.73 Sulfur is	<u>Na</u> 0.59	<u>T.B.</u> 27.82	CEC 16.1	VolWt 125 125 125 sufficie	%AW 80% 88% 95%
Sample Area Field Composite Field Composite Field Composite Comments:	Depth 1' 2' 3' The resk Sodium i	Interim Interi	in the We Mobile I 570 426 322 1318 ates are slightly ele	Nutrien <u>NH d</u> 9 8 high. A svated.	nts (Ibs 50 4 670 670 (ppm) Fe C	3.0 3.0 Um is ir	Cl 21.3 n equilib	a <u>M</u> 0 43 rium.	<u>g</u> <u>K</u> 1.73 Sulfur is <u>EC mm</u>	<u>Na</u> 0.59	<b><i>T.B.</i></b> 27.82 while t	CEC 16.1	VolWt 125 125 125 sufficie	%AW 80% 88% 95%

Comments: Given the scattered soil compaction, it is recommended that you could do some ripping. Ripping is best done when the soil profile is slightly moist (as post harvest in the fall).

#### Attachment 4:

### WSDA Public Records Request January 2022



WA Department of Agriculture Public Records Request about a month ago R002625-110621 I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges." Status : No Records Exist

🛔 Mrs. Jean Mendoza

#### Dear Mrs. Jean Mendoza.

The Washington State Department of Agriculture received a public records request from you on November 06, 2021. Your request mentioned:

#### "Dear Public Records Officer:

Pursuant to the WA State Public Records Act RCW §§ 42.56.001 to 42.56.904. I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges."

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. If WSDA contends that any responsive material is exempt from disclosure, please provide a redaction log containing a description of each redaction or document withheld, the statutory basis for each redaction or withholding, and an explanation sufficient for us to ascertain the applicability of each claimed exemption (e.g. a summary of the document's contents, the date of its creation, the parties who participated in drafting it, the parties to whom it was disseminated, etc.). RCW § 42.56.210(3): WAC 44-14-04004(4)(b)(ii): PAWS v. Univ. of Wash., 125 Wn.2d 243, 270-71 (1994).

If the cost would be greater than \$50.00, please notify me. Please provide a receipt indicating the charges for each document.

As provided by the open records law, I will expect your response within five (5) business days of the date of this request. RCW § 42.56.520.

Thank you for your assistance."

We have searched the department's records and found no records which respond to your request.

This completes my response. I have closed this request,

If you have any questions, please feel free to contact me at 360-902-1935.

Sincerely,

Pamela Potwin Public Records Officer 360-902-1935

### WA Ecology Public Records Request January 2022

#### P008198-110621

Dear Public Records Officer: Pursuant to the WA State Public Records Act RCW §§ 42.56.001 to 42.56.904, I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used

singularly or in combination, prevent or reduce pollutant discharges." If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. If Ecology contends that any responsive material is exempt from disclosure, please provide a redaction log containing a description of each redaction or document withheld, the statutory basis for each redaction or withholding, and an explanation sufficient for us to ascertain the applicability of each claimed exemption (e.g. a summary of the document's contents, the date of its creation, the parties who participated in drafting it, the parties to whom it was disseminated, etc.). RCW § 42.56.210(3); WAC 44-14-04004(4)(b)(ii); PAWS v. Univ. of Wash., 125 Wn.2d 243, 270-71 (1994). If the cost would be greater than \$50.00, please notify me. Please provide a receipt indicating the charges for each document. As provided by the open records law, I will expect your response within five (5) business days of the date of this request. RCW § 42.56.520. Thank you for your assistance.

Status : No Responsive Records



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

### Dear WA BOH,

We are the Friends of Toppenish Creek from Yakima County.

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.

People who live near animal feeding operations suffer from pollution of drinking water, air pollution, and infectious disease. State and local officials appear helpless to address this public health issue.

The magnitude of problems related to manure management has increased many fold since the introduction of concentrated animal feeding operations (CAFOs) to animal agriculture. Law makers who wrote rules to minimize health impacts from livery stables could not have envisioned storing animal excreta in million gallon lagoons or tossing it into the air to compost.

Remember that each mature milk cow excretes over 120 lbs of feces and urine every day. Multiply this by thousands of cows and that is a lot of manure.

A possible solution to this serious problem is to authorize citizen lawsuits against polluters when they cause or contribute to human illness or death. There is precedent for holding people responsible when they create conditions that harm others.

By herself, a woman whose husband dies from E-coli 0157 has little hope of winning against a multi-million dollar corporation that flaunts the law. But a change in the rules could make it possible to hold responsible parties accountable, by providing for cost recovery in litigation. Thank you for seriously considering this option.

Sincerely, ian Mendeza

Jean Mendoza

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

# Rationale for Citizen Lawsuits to Protect Public Health from Manure Pollution

# Legal Authority:

## RCW 43.20.050

## Powers and duties of state board of health—Rule making—Delegation of authority— Enforcement of rules.

(2) In order to protect public health, the state board of health shall:

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

# WAC 246-203-130

# Keeping of animals.

(1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.

(2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.

(3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

# Facts:

Human and animal excreta carry pathogens that endanger human and animal health. This is why we teach children to wash their hands after they go to the bathroom.

People who live in close proximity to animal feeding operations suffer from pollution of drinking water, air pollution and infectious disease.

The WA DOH and local health agencies do not monitor pollutants from AFOs, do not surveil for related health impacts, do not investigate complaints or health impacts, do not control discharges and emissions, and do not assist those whose health has been harmed. The WA State Dept. of Ecology and the WA State Dept. of Agriculture do very little, and specifically do not evaluate impacts on human health. It appears that the agencies lack the resources to characterize, assess, and evaluate health impacts from AFOs.

People who live in close proximity to AFOs spend millions of dollars out of pocket to purchase safe drinking water, address health impacts such as asthma, cardiovascular and lung disease, and infections.

Taxpayers spend millions of dollars to subsidize AFO actions to reduce and mitigate pollution, and to keep AFOs in business.

Cost benefit analysis of the proposed WAC 246-203-130 does not address costs to citizens, only costs to business.

Meeting legal standards to prove health hazards is expensive. In reality, a citizen who suffers illness or even death due to sloppy manure management does not have the financial resources to prove a cause and effect relationship. Public health agencies rarely make these connections.

Current WA rules and regulations do not protect citizens from the adverse health impacts of air and water pollution from improper manure management.

# Proposed change to the Draft WAC 246-203-130:

One solution to this problem is provision for citizen lawsuits against those who damage public health. Such lawsuits could be allowed by provisions similar to those in the Clean Water Act. Citizens could seek injunctive relief (court orders prohibiting the pollution from continuing), civil penalties, and reimbursement of legal costs and attorneys' fees.

Proposed addition to WAC 246-203-130:

Any citizen may commence a civil action on his own behalf or on behalf of dependents:

- 1. Against any person, or collective of persons, who are alleged to discharge pollutants into a drinking water aquifer, or the ambient air in amounts that inflict illness or death.
- 2. Against responsible officials for failure to perform an act or duty to investigate negative health impacts from airborne or waterborne pollutants from animal manure.

The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.

# **Arguments:**

People who live near animal feeding operations where large amounts of manure are (mis)managed suffer documented adverse health impacts, but state and local officials appear helpless to change this situation. Citizen lawsuits could play a role in providing relief. Citizen lawsuits could realistically be undertaken if attorneys and expert witnesses could reasonably expect payment for their services.

Criteria for proving adverse health impacts will undoubtedly be subject to intense debate, but this obstacle is not insurmountable.

From: Kim E Merrick Sent: 4/26/2022 6:20:17 PM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: Comment from livestock owner

External Email

Hello State Board of Health;

I keep 2 mules on a small property in Jefferson county. I am a member of Back Country Horsemen of Washington (BCHW), and I have attended two 'Horses for Clean Water' classes to learn the proper way to manage my mules. This 'Keeping of Animals' proposal is an issue that could really impact horse owners all over the state, especially small farms.

I don't think there was enough collaboration with stakeholders for this policy change. Different jurisdictions will treat this very differently, depending on the understanding of livestock diet and best practices of managing manure. If the Health department in Yakima County and the health department in King County enforce the rules differently, it will greatly impact who is keeping their horses where. I would say that King county has more and better managed equestrian trails than Yakima County, but there is a greater chance their health dept. officials will have less experience with livestock, thus reducing the horse population in King County.

It's clear to me that this proposed policy has a long way to go before it will be fair and relevant to the livestock lovers of Washington State.

Responsible livestock owners WANT to be good neighbors.

Please delay the draft policy proposal until some kind of task force with STAKEHOLDERS can be formed to address these issues

Thank you, Kim Merrick Sequim, WA 253-262-6188 From: Glasoe, Stuart D (SBOH) Sent: 5/2/2022 8:36:06 AM To: DOH WSBOH Proposed Animal Waste Rule Cc: Subject: FW: CR 102 Domestic Animal Waste

Stuart Glasoe

SBOH Health Policy Advisor

360-236-4111

From: Jon Borcherding <jonreadsitall@protonmail.com> Sent: Sunday, May 1, 2022 3:28 PM To: Glasoe, Stuart D (SBOH) <Stuart.Glasoe@sboh.wa.gov> Subject: CR 102 Domestic Animal Waste

External Email

The Washington State Board of Health has chosen a remarkably inopportune moment to address what is described as a long-standing issue.

With supply-chain problems and fertilizer shortages affecting the global food supply, many experts including the Biden Administration are predicting food shortages. The recent destruction of at least 12 major food production plants will likely also contribute to food shortages. The nation's railways are refusing shipment of nitrogen fertilizers during the current planting season. The FBI has just released a bulletin outlining the threat of cyber attacks against agricultural facilities. There is NO shortage of threats to America's food supply.

In addition to the looming specter of food scarcity is the alarming rate of inflation which disproportionately impacts the poor by making food more and more unaffordable.

In an effort to stave off shortages and hunger, many homeowners are engaging in small scale food production i.e., vegetable gardens, raising chickens, rabbits, pigs, goats, sheep, etc. Any new regulation that impedes the homestead production of vital food resources is bound to be met with fierce resistance.

In an era when we are experiencing global shortages of nitrogen fertilizers due to foreign conflict, it seems like a good time to review our attitudes about animal waste products and learn to treat them like the resource they are.

There are already laws on the books regarding proper animal husbandry and the Board would be well advised to address current problems within the existing framework. New rulemaking at this time is also bound to lead to increased cost to the taxpayer at a time when we are seeing record inflation.

Has the Board estimated the cost of enforcement of new proposals? Surely there is an

awareness that commissioned law officers and search warrants will be necessary to investigate the disposition of animal waste on private property?

Also at issue is the credibility of the Health Department. It is not reasonable to expect homeowners to accept heavy handed regulation of traditional food production activities on their private property, particularly at a time when homestead food production may be key to survival. One can easily imagine the erosion of respect resulting from any attempt to use government force to hinder necessary farming activity.

I strongly urge the Washington State Board of Health to delay the Draft Policy proposal scheduled for June 2022. I believe it is in the best interests of all citizens that a work group or task force is formed to study the concerns of all stakeholders and advise the Board prior to the drafting or adoption of any new rules regarding the keeping of animals.

Sincerely,

Jon M. Borcherding

Roy WA

Sent with ProtonMail <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fprotonmail.com%2F&data=05%76 secure email.







April 27, 2022

Washington State Board of Health

Re: CR-102, Proposed Rule, for WAC 246-203-130, Keeping of Animals.

Good Day

Upon review of the proposal rule, its claim that it "applies to everyone" is misleading. Areas that are incorporated and on municipal water systems already have regulations regarding livestock (i.e. quantity limits, type of livestock such as chickens, no roosters) and domestic pets (i.e. leash laws, waste disposal and quantity).

As such, it appears the target for this proposed rule would be imposed on unincorporated commercial and private acreage with livestock.

As such, we are of the opinion that this proposal should fall under the scope of authority of the Washington State Department of Agriculture (WSDOA). The Department of Agriculture's charter provides the agriculture community ensuring agricultural regulations are observed. They work extensively with commercial operations, but their responsibilities range from ensuring food safety to environmental protections for water quality.

They also have the ability to work with landowners who have self-imposed farm plans that regulate animal waste. These plans need to be grandfathered in.

If the regulations under the WSDOA for waste management are insufficient, those should be updated. They have the authority and infrastructure to mandate and enforce the waste management regulations.

The Conservation Districts who submitted this rulemaking petition, have a charter to engage people with voluntary actions that keep our air, water, soil, habitats, and **farmland healthy** for all. They should be petitioning the Department of Agriculture for changes, and not the Board of Health.

Regarding the regulations proposed these need to be more specific, if not they are subject to bias by those who implement and enforce.

For examples, Standards for non-livestock:

For landowners with acreage, would land owners be required to pick their field to find their pet animal waste for temporary storage in a water tight container and disposal?

Would land owners be required to fence property to prevent their cats and dogs from migrating to adjacent neighbors? What regulations would be in place, or recourse would a landowner have, if their neighbors deliberately allow, or walk their dogs or cats to defecate on their neighbor's property to avoid collection/containment/disposal? Would land owners be required to sign their property "No Trespassing" to prevent this?

Will domestic pets be restricted from retention ponds, creeks, and rivers on one's property?

Standards for stockpiled waste from livestock:

What is considered stockpiled? Collected for composting? piled up like an equine stud pile? concentrated defecation in a confinement area?

Is all livestock waste to be removed, including poultry, goats, sheep, ducks, if found within the 100 ft setback?

Will livestock waste need to be separated by omnivore (i.e pigs, ducks, chickens) or herbivore, to allow it to be composted? And if so, how is the omnivore waste to be disposed of?

Is composted livestock waste allowed to be spread on lands within the 100 ft setbacks?

What criteria will be set to determine if composted waste is acceptable to be spread? And who will make that determination?

What odors need to be controlled? Waste odors, composting odors, animal odors?

What constitutes odor control and at what distance and duration does a landowner have responsibility to control the odor? What device will be used to detect odors?

Will chicken compost be prohibited from being utilized?

Can you specify what pests are to be controlled?

These are just some of the clarifications needed before moving forward with regulation with the Department of Agriculture.

Thank you for your time,

Regards,

Jim and Cindy Reece

Small acreage land owner









### STATE OF WASHINGTON DEPARTMENT OF HEALTH DIVISION OF ENVIRONMENTAL PUBLIC HEALTH PO Box 47820 • Olympia, Washington 98504-7820 (360) 236-3000 • 711 Washington Relay Service

May 2, 2022

Mr. Keith Grellner, Chair Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

RE: Proposed rulemaking, WAC 246-203-130, Animal Waste, WSR 22-08-003

Dear Chair Grellner:

Thank you for the opportunity to provide comments on the proposed rule. This proposal modernizes a longstanding outdated rule. The Department of Health's Division of Environmental Public Health expects the proposal to result in better public health outcomes by giving our local health jurisdiction partners the necessary tools to address and resolve animal waste problems when called upon by the communities they serve.

Although we do not play a direct regulatory role in this rule proposal, we do have an interest in how the management of animal waste might impact those public health programs that we currently regulate. Most notably protecting wellhead sanitary control areas for public drinking water supplies, protecting shellfish harvesting areas from pollution due to hazardous surface run-off, protecting outdoor water recreation areas so they are safe for swimmers, and reducing harmful algal blooms in vulnerable bodies of water. Through collaboration with our local health jurisdictions, we believe that the proposed animal waste rule will better protect public health.

The proposed rule dovetails with our role and local health jurisdiction's role to protect public health, and compliments other state agency's regulatory roles and authorities to protect water and air quality.

We support the proposed amendments to WAC 246-203-130, Animal Waste rule.

Sincerely,

Lauren Jenks, MPH, CHES Assistant Secretary Environmental Public Health Washington State Department of Health

Mr. Keith Grellner May 2, 2022 Page 2 of 2

cc: Joe Laxson, Washington Department of Health Michelle Davis, Washington State Board of Health



BACK COUNTRY HORSEMEN OF WASHINGTON PO Box 1132 ELLENSBURG, WA 98926 WWW.BCHW.ORG

April 28, 2022

Mr. Stuart Glasoe SBOH Health Policy Advisor

Mr. Glasoe and Board Staff,

We appreciate the task you have of revising the <u>Keeping of Animals</u> policy and also your language mitigation in response to our members' past concerns.

We are requesting that you delay putting the CR 102 Keeping of Animals Draft Policy Proposal on the June 8<sup>th</sup> agenda. There are many unresolved concerns. We also request time to form a stakeholder work group to address these concerns. The pandemic has caused delays and interruptions to many forms of business. Our members need time to work out the concerns in this draft policy.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Thank you for your time, your consideration, and the opportunity to comment.

Dana L Chembur

Dana Chambers President Back Country Horsemen of Washington president@bchw.org



MMM'BCHM'OBC EFFENSBRIG' MV 38359 BVCK CORNLEX HOBSEWEN OF MVSHINCLON April 28, 2022

Mr. Stuart Glasoe SBOH Health Policy Advisor

Mr. Glasoe and Board Staff,

We appreciate the task you have of revising the <u>Keeping of Animals</u> policy and also your language mitigation in response to our members' past concerns.

We are requesting that you delay putting the CR 102 Keeping of Animals Draft Policy Proposal on the June  $8^{th}$  agenda. There are many unresolved concerns. We also request time to form a stakeholder work group to address these concerns. The pandemic has caused delays and interruptions to many forms of business. Our members need time to work out the concerns in this draft policy.

Among the many concerns: mixing livestock oversight with non-livestock, unclear/overreach on stockpiling and composting, concern of complaint abuse from urban neighbors, no uniformity of enforcement (left completely up to local health officer), and more.

Thank you for your time, your consideration, and the opportunity to comment.

president@bchw.org Back Country Horsemen of Washington President Dana Chambers 2 cham Sincerely,





P.O. Box 96 • Ellensburg, WA 98926 • 509-925-9871 • Fax 509-925-3004 WACATTLE@KVALLEY.COM • WWW.WASHINGTONCATTLEMEN.ORG

To: Washington State Board of Health

Date: April 29th, 2022

Re: Keeping of Animals – WAC 246-203-130

Dear Members, Washington State Board of Health:

I was just briefed by our lobbyist that represents the Washington Cattlemen's Association in Olympia about the meeting he attended with legislators and your Chair and staff regarding **WAC 246-203-130** Keeping of Animals.

While we acknowledge the Board's efforts to address grazing, we stand by our original assertion that this is unnecessary rulemaking on an already heavily regulated industry. In addition, we would point out the following:

### Outreach on the Small Business Economic Impact Statement appears to be woefully inadequate -

I cannot name one rancher that was reached out to on this issue, and I don't believe receiving 41 responses out of 1000 contacts really meets the straight-face test as far as stakeholder input.

### Likely violates the state's Right to Farm law -

Unfortunately, in today's world, farmers and ranchers are often under attack from some in the environmental community, who don't seem to fully understand production agriculture. This has led to much consternation when urban-minded citizens move from city to country and don't find it to meet their idyllic vision. Fortunately, farmers and ranchers are protected by the state's 'Right to Farm'' law. However, we fear this new proposal may be used as another tool to attempt to drag ranchers into court.

# While we acknowledge the attempt to address grazing, there needs to be stakeholder input to clarify terms-

The current proposal references "free-range grazing", which is a term unfamiliar to us. We use the term "open-range grazing". In addition, an earlier version included pasture grazing and yet was removed from the current proposal. While open-range grazing would describe grazing where fences are built to keep livestock out, we would consider pasture grazing to describe fences being built to keep livestock in. This needs further discussion with stakeholders.

# The WCA requests that the Board delay action on this proposed rule and create a workgroup with key stakeholders –

Rural citizens deserve a voice on the Board that can speak to agriculture and rural issues. We don't believe that currently exists. To balance that, we would request that a stakeholder workgroup that can



speak to the proposed rule with expertise in agriculture issues, be included as members of the workgroup.

Sincerely,

Jeff Keane

Jeff Keane, President Washington Cattlemen's Association





May 2, 2022

SENT VIA ELECTRONIC TRANSMITTAL

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

### RE: PROPOSED REVISIONS TO CHAPTER 246-203-130, DOMESTIC ANIMAL WASTE

Dear Board of Health:

Thank you for the opportunity to provide comments on the proposed rule. This proposal provides a much-needed update to existing, out of date rule language. The Washington State Environmental Health Directors support this proposed language revision as it will result in a more useful rule that can be utilized by local health jurisdictions if necessary.

We believe that the proposed rule, if used by a local health jurisdiction, will result in better health outcomes as the language provides for clear standards for compliance to protect surface and ground waters which in turn protects drinking water supplies, shellfish resources, and recreational waters. Additionally, the proposed rule language provides clear standards for animal keepers to understand and implement in order to protect public health and natural resources in their own communities.

We support the proposed amendments to WAC 246-203-130, Keeping of Animals. If you have questions or would like additional information, you can reach me at 360-728-2290, or john.kiess@kitsappublichealth.org.

Sincerely,

ien

John Kiess, WSEHD Chair Environmental Health Director Kitsap Public Health District

Past Chair Ray Byrne Spokane Co EH Director (509)324-1588 rbyrne@srhd.org Chair John Kiess Kitsap Co EH Director (360)728-2290 John.kiess@kitsappublichealth.org Chair Elect Stephanie Shopbell Grant Co EH Manager (509)766-7960x41 shopbell@granthealth.org Secretary/Treasurer Season Long Cowlitz Co EH Manager (360)414-5592x6445 longs@co.cowlitz.wa.us Member at Large Jessica Gehle Pierce Co EH Director (253)649-1845 jgehle@tpchd.org

# **WASHINGTON FARM BUREAU**

- To: Washington State Board of Health
- Date: April 26, 2022
- RE: Proposed rulemaking: WAC 246-203-130 Domestic Animal Waste

Dear Members of the Board of Health,

The Washington Farm Bureau is the state's largest general agricultural organization representing more than 47,000 member families statewide. We are a voluntary, grassroots advocacy organization representing the social and economic interests of farm and ranch families at the local, state and national levels. That is why Washington Farm Bureau is called the voice of agriculture.

In July 2019 we provided written comments expressing the serious concerns we had with staffgenerated amendments to WAC 246-203-130 related to animal waste. We found the amendatory language was too broad, exceeded the scope outlined in the originating CR-101, created opportunities for frivolous and expensive lawsuits, duplicated existing state and federal laws addressing manure management on ranches and dairies, impacted the protections provided to our farmers under the state's Right to Farm laws and created create an unfunded mandate on local governments.

The March 2022 version of the draft rule represents an improvement over earlier drafts, but still has internal problems that need to be addressed if the rule is to be eventually approved.

Here are the remaining areas of concern:

### • Expands authority of LHO beyond provided statutory authorities.

- In subsection (1) of the proposed rule it states, "The purpose of this section is to establish standards for the prevention, control, and abatement of <u>health hazards and nuisance</u> <u>detrimental to human health related to the disposal of domestic animal waste</u>..." (emphasis added). The proposed rule also states in (2)(g) that ""Nuisance" includes an act of omission that harms, endangers, or interferes with the <u>health or safety</u> of another person." (emphasis added). The inclusion of "safety" in this definition seeks to broaden the authority of local health officers far beyond what is provided in state law. Laws for worker safety are found in the authorizing statutes for Department of Labor & Industries.
- Wrong WAC cited for livestock manure management.
  - In subsection (3)(d)(i) it states that domestic animal waste from livestock that is collected and stockpiled for later use or disposal must be stored in a manner that controls odors and attraction of flies, rodents, and other vectors. In the "Significant Legislative Rule Analysis" presented to the BOH dated March 1, 2022, it states on page 3 under "Rationale for Determination" the following: "This standard incorporates by reference, without material

change, standards/rules of another Washington state agency. It incorporates requirements of the state solid waste rules, chapter 173-350 WAC, including WAC 173-350-320(6) regulating agricultural waste piles."

However, subsection (6) of WAC 173-35-320 is the wrong subsection since it is for "Piles used for storage or treatment – Permit requirements." In this section it does require the operator to ensure the facility is operated in a way as to control nuisance odors, as well as litter, dust, rodents, insects, etc. <u>However</u>, <u>subsection (6)</u> is the wrong section to cite since it addresses permitted activities. Agricultural wastes are addressed in subsection (2) under the title "Piles used for storage or treatment – Permit exemptions." This section includes the following language: "In accordance with RCW 70.95.305, facilities managing solid wastes in piles meeting the conditions listed in <u>Table 320-A</u> and the conditions of (a) of this subsection <u>are exempt from solid waste handling permitting</u>." (emphasis added). Table 320-A includes "Agricultural waste and on-farm vegetative wastes stored on farms." More importantly, subsection (2)(a)(ii) states that farms must "Manage the operation to prevent fugitive dust and the attraction of vectors..." WAC 173-350-100 further clarifies that subsection (2) is the appropriate language by defining agricultural waste to include livestock manure.

Please note that WAC 173-35-100 (2) does not include any requirement for odor control. Therefore, the addition of the requirement to control odor in your proposed rule has no legal or statutory standing and must be removed.

#### Violates the state's Right to Farm law.

The Washington State Right to Farm law states in RCW 7.48.305 that "agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance <u>unless the activity or practice has a substantial adverse effect on public health and safety</u>." (emphasis added). The proposed rule before you has no qualifying language such as this. Rather it provides a broad requirement the stored waste must be managed to control odors, whether a public health issue has been determined to exist. Is the premise behind the proposed rule that any and all odors present a public health risk? In addition, nothing in your documentation cites any scientific research, or state and federal laws to substantiate this expansion of authority. Please also note that RCW 7.48.310, also part of the Right to Farm law, includes odors as a normal, acceptable condition related to agricultural activities.

### Additional specificity required

 In subsection (4), the proposed rule states that "Before taking enforcement action the local health officer <u>must attempt</u> to communicate with the person who may be in violation of this section in order to explore the facts and, if the local health officer determines that a violation has occurred, <u>allow the person reasonable time</u> to correct the violation." (emphasis added). We appreciate this language to allow for a conversation and the ability for additional information to be collected before enforcement action is taken. However, we are concerned that there are no details or specifics for what constitutes an "attempt to communicate" or what is a "reasonable time" to correct the violation. Additional specifics are needed to provide the required transparency for the overall process that will be used, and to increase justice and equity by ensuring all citizens are treated equally and that the rule is implemented in a uniform manner statewide.

### • Pasture livestock and Free-range grazing

- Earlier versions of the proposed changes to WAC 246-203-130 excluded both "pasture livestock" and "free-range grazing" from the requirements of this rule. The March 2022 version no longer specifically excludes pasture livestock. By what principles, proven health concerns, or medical or scientific findings did you justify the removal of pasture livestock from this exemption?
- For the purposes of this proposed rule, what do these two terms mean and what are the specifics or definitions that a LHO will use to determine whether livestock in a pasture fall into either of these two categories. Please note, that in general livestock producers do not use these terms. I encourage you to do a Google search for "free range grazing" and you will find pictures or written descriptions of pasture livestock. Free-range grazing is more popularly used as a synonym for organically raised rather than a rangeland management practice.

### Inaccurate Small Business Economic Impact Statement

The data used to validate the SBEIS is woefully inadequate. Of the 1000 businesses identified to receive the cost survey, only 41 or 4.1 percent of the recipients responded. Worse yet, the USDA National Agricultural Statistics Service (NASS) has identified 12,656 farms in Washington that raise cattle or pigs. That means the BOH reached out to less than 8 percent of just the cattle and pig producers in the state identified by NASS. This does not even include farms that raise other types of livestock. This is clearly not enough data to adequately quantify the potential impacts of this proposed rule.

Given these serious issues, both technical and policy based, we request that the Board delay action on this proposed rule and create a work group with key stakeholders to help address the many problems that we and others have raised.

Sincerely,

Tom Davis Government Relations Director



### Washington State Legislature

May 2, 2022

#### **ELECTRONIC DELIVERY**

Washington State Board of Health P.O. Box 47990 Olympia, WA 98504-7990

Dear Board Members:

We want to thank Board Chair Keith Grellner and Board of Health staff for taking time to discuss the proposed rulemaking for Washington Administrative Code (WAC) 246-203-130, Keeping of Animals, with legislators. However, we maintain this rule change is unnecessary and as written, will exacerbate the current issues it is trying to resolve. We are respectfully requesting the board pause the rulemaking and conduct a process that brings stakeholders and impacted individuals to the table to find real solutions that will work for everyone.

In the meeting, it was presented to us that the proposed rule would add clarity to the current statute to better resolve complaints over animal waste management. However, no examples were provided that demonstrate how the current WAC language impedes resolution. It is our understanding local boards of health utilize local ordinances or other statutes to make rulings on these types of cases when they arise. In fact, Kitsap County created their own rule to address the unique situations in their district. We have not heard of any instances where local boards were unable to find resolution using existing language making this feel more like a solution looking for a problem.

If this rule is intended to add clarity, then it still misses the mark. Impacted stakeholders are concerned this rule will create more confusion citing a lack of understanding around which entities are impacted. The rule is silent on if these organizations are commercial or private, urban, or rural, and are affected regardless of their size.

Additionally, the rule misses key health factors by not discerning different health impacts of the various types of animal waste. Carnivores' waste poses a much greater health risk than herbivores. This is not considered in the current rule proposal. Instead, this appears to be a statewide, one-size-fits-all approach that would not address those differences and creates unnecessary burdens that would not provide additional health benefits.

Compounding matters is the lack of survey responses to the small business economic impact statement. A response rate of four percent does not adequately capture the true impact of this rule. Without more responses, we do not have a clear picture of totality of the rule's consequences. It would set a dangerous precedent to move forward without additional insight and input.

It is for these reasons we are requesting a more comprehensive and detailed stakeholder process to ensure common ground is identified and solutions are clear and provide the most benefit for Washingtonians. Without these voices, there will be unintended consequences. As state Representatives, we represent the people of Washington and are ready to bring those voices to you to help achieve this goal.

Sincerely,

10m / Kn

Representative Tom Dent 13<sup>th</sup> Legislative District

Jac Shuik

Representative Joe Schmick 9<sup>th</sup> Legislative District

KeithW. Gozhazk

Representative Keith Goehner 12<sup>th</sup> Legislative District

Representative Mark Klicker 16<sup>th</sup> Legislative District

tras

Representative Rob Chase 4<sup>th</sup> Legislative District

Representative Larry Hoff 18<sup>th</sup> Legislative District

anolyn Tslice

Representative Carolyn Eslick 39<sup>th</sup> Legislative District

Chandler

Representative Bruce Chandler 15<sup>th</sup> Legislative District

Representative Cyndy Jacobsen 25<sup>th</sup> Legislative District

Gradley A. Klippert

Representative Brad Klippert 8<sup>th</sup> Legislative District

Representative Matt Boehnke 8<sup>th</sup> Legislative District

Representative Gina Mosbrucker 14<sup>th</sup> Legislative District

Representative Mary Dye 9<sup>th</sup> Legislative District

Wil

Representative J.T. Wilcox 2<sup>nd</sup> Legislative District

Representative Jenny Graham 6<sup>th</sup> Legislative District

Representative Chris Corry 14<sup>th</sup> Legislative District



### **Environmental Health Services Division**

401 Fifth Avenue, Suite 1100 Seattle, WA 98104-1818 **206-263-9566** Fax 206-296-0189 TTY Relay: 711 www.kingcounty.gov/health



April 29, 2022

Washington State Board of Health,

Public Health – Seattle & King County thanks you for the opportunity to provide comments on this update of WAC 246-203-130.

We have copied the sections and added only the places we have comments or additions. Our comments or additions are the <u>underlined portions</u>, embedded or added to the text below.

(1) A person may not keep or shelter animals in such a manner that the domestic animal waste creates a nuisance or <u>direct and immediate</u> health hazard. The purpose of this section is to establish standards for the prevention, control, and abatement of health hazards and nuisance detrimental to human health related to the disposal of domestic animal waste, including handling and storage of domestic animal waste, as described in the subsection (3) of this section.

**COMMENT:** Add "direct and immediate" for consistency with proposed definition of health hazard, and to emphasize this quality of the health hazard.

### (2) Definitions

(k) "Surface Water" means a body of water open to the atmosphere and subject to surface runoff including, but not limited to, lakes, ponds, streams, rivers, and marine waters, <u>as well as conveyance systems to surface waters.</u>

**COMMENT:** Suggested additional clause to include conveyance systems to surface waters.

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control nuisances and health hazards related to the handling and disposal of domestic animal waste. Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must:

•••

(c)(i) hold the waste in a <u>hard-sided</u> container with a lid that closes securely to prevent access by animals and waste overflow from falling rain or snow if stored for more than one day prior to proper disposal;

**COMMENT:** Replace "watertight" with, "a hard-sided container with a lid that closes securely so that animals cannot access it and it cannot overflow from falling rain or snow".

(ii) Bag and dispose of the waste as solid waste, <u>unless waste is composted by a licensed compost</u> <u>facility per WAC 173-350-220.</u>

(d) handle domestic animal waste from livestock that is collected and stockpiled for later use or disposal as follows:

(ii) store the waste no longer than one year; ((and))

(iii) Site the stockpile: ...[etc.]

**COMMENT:** Add new subsections (d)(iv) and (d)(v) as shown.

(iv) Domestic animal waste from livestock shall be collected and stockpiled in accordance with an approved jurisdictional farm management plan; and

(v) Domestic animal waste from non-herbivores may not be composted at the site of origin or used for land application.

(4) The local health officer may investigate and enforce this section. Enforcement actions may include any proceeding within the local health officer's statutory authority. Before taking enforcement action the local health officer must attempt to communicate with the person who may be in violation of this section in order to seek <u>compliance by education and prevention as a first step</u> and, if the local health officer determines that a violation has occurred, allow the person reasonable time to correct the violation.

**COMMENT:** Replace "explore the facts" with "seek compliance by education and prevention as a first step..."

We appreciate the opportunity to provide comments. If you have questions or want clarification, please contact us.

Sincerely,

)and A. Rodger

Darrell Rodgers-Richardson Director, Environmental Health Services Public Health – Seattle & King County Darrell.Rodgers@Kingcounty.gov



## STATE OF WASHINGTON DEPARTMENT OF AGRICULTURE P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear Board of Health:

One behalf of Washington State Department of Agriculture, I am writing to provide our comments related to the Proposed Rule for WAC 246-203-130, Keeping of Animals. The proposed action would include a title change to Domestic Animal Waste, and propose new standards for the handling and disposal of animal excreta, or animal waste, for the purpose of preventing and controlling nuisance and health hazards. While we agree that these various issues are of potential concern, we would like to express concerns about a new layer of regulatory actions and responsibility related to authorities and duties of other agencies, while potentially not utilizing existing efforts and opportunities for success through educational and voluntary methods.

The Washington State Department of Agriculture (WSDA) is the agency with responsibility over Dairy Nutrient Management (Chapter 90.64 RCW) and rules. The Dairy Nutrient Management laws and rules require dairy animal feeding operations to have dairy nutrient management plans created and approved. The WSDA Dairy Nutrient Management Program (DNMP) staff and Conservation District partners conduct the work to ensure plans are properly implemented, while conducting inspections, education, and technical support. Other partners such as Washington State University researchers and extension staff assist with research, education, technical support, and specialized training. The DNMP staff also conduct specialized water quality monitoring in certain locations where there is increased precipitation and also where facilities are in close proximity to surface water that may lead to impacts to vulnerable aquatic systems and shellfish production locations. The DMNP efforts are an example of how concentrated animal agricultural systems are successfully regulated for the protection of water quality and human health. Part of the success is that the Washington State dairy industry is highly cooperative and supportive of efficient regulation. Every milk producing dairy farm is registered and also regulated for other aspects of operations such as milk production, milk quality and food safety.

When considering how to protect water quality and human health from other diverse animal manure sources around the state, these same kinds of regulatory approaches would be very difficult to apply to many thousands of small animal waste sources. Diverse and complex

nonpoint source pollution is most commonly handled through the implementation of the Washington State Nonpoint Source Plan and associated pollution abatement structures, programs and systems of voluntary approaches. Our agency believes that working with the thousands and thousands of landowners on animal waste management would be more efficient and effective if the efforts were voluntary and supported by state and local coordination, funding of preventative programs, and education and technical assistance. The Washington State agency system of working with nonpoint source and smaller animal systems are structured around voluntary approaches to protect water quality. The attempt for Board of Health to regulate landowners that own and manage small numbers of animals would be contrary to the existing systems and would be confusing and very onerous for the Board of Health and the associated agency partners. Landowners often look to the Washington State Conservation Commission (WSCC), Conservation Districts (CDs), USDA Natural Resources Conservation Service (NRCS), Washington State University (WSU), Ecology, and WSDA for assistance, cost share programs, and technical assistance. A sudden regulatory effort would be very difficult to implement and would all of sudden affect the opportunity for the thousands of property owners to work with the voluntary processes and programs. There are currently many examples of CDs and other partners successfully working with landowners on manure management. We encourage the Board of Health and the Department of Health (DOH) to work within the existing Washington State Nonpoint Source Plan and strategies for achieving federal and state goals for managing animal waste and protecting water quality and human health.

The tasks of managing general small farm manure sources for the protection of water quality and human health can be best taken care of through voluntary and educational processes. We suggest that the Board of Health and DOH review the successful efforts in the state and look for opportunities to collaborate with other state and local agencies to focus on effective and efficient processes in a cooperative process. A combination of education, outreach, and technical assistance efforts would provide for an effective process, combined with existing DOH Office of Drinking Source Water Assessment planning, capture zone and time of travel analysis, and contaminant inventories for all Group A and B public drinking water systems. Instead of attempting to regulate many thousands of landowners with small animal systems, it would be more prudent to pursue a coordinated effort for voluntary efforts while providing education, technical assistance and local support. Our agency has extensive experience with animal agriculture regulation and management. We know there are many manure management issues to tackle and we would like to highlight some of the existing state and local voluntary processes and successes that exist in our state and other locations in the country. We look to highlight how the main state and local groups are working on this, and provide some suggestions for what is working and potentially how Washington State DOH and ODW can join the efforts that would be complimentary. Our agency suggests that we collectively strive to provide tools for land owners and farmers to recognize their own resource concerns and become engaged in their on farm solutions whether they produce their own food, supply food to local markets, or own hobby farm, working, or recreational animals.

We provide this list and summarization of the overall state processes combined with a few examples of state and local groups are working on the manure management topic. Some of these

efforts could be a future focus of partnerships and efforts that could be complimentary and assist in providing solutions.

- There is the broader Ecology Clean Water Act Nonpoint Source Plan approach in Washington State, where the Washington State approach to abating nonpoint sources of pollution are outline. The state's nonpoint source plan provides descriptions of roles and responsibilities, and regulatory and voluntary approaches. The WSDA DNMP effort is described in the plan and other voluntary approaches for smaller potential pollution sources are described outlining management through voluntary, educational and technical approaches.
  - The overall Washington State NPS Plan <u>https://apps.ecology.wa.gov/publications/documents/1510015.pdf</u>
- The nonpoint source agricultural pollutant sources come under the purview and jurisdiction of a number of state and local agencies under the state Clean Water Act Washington State Nonpoint Source Plan and associated programs.
- Ecology is leading the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup and producing Best Management Practice (BMP) guides and manuals including materials geared toward small farms, heaving use areas, grazing, nutrient management, irrigation water management, and manure management. WSDA, WSCC, WSU, EPA, USDA NRCS, Conservation Districts, and other public and private sector groups are teaming together to support Ecology in this Voluntary Clean Water Guidance for Ag Effectiveness Workgroup. We encourage the Board of Health and DOH, or a designated group such as the Office of Drinking Water (ODW), to reach out to Ecology staff to join the group and contribute the ongoing efforts to produce guides for agricultural nonpoint groups and provide for prevention approaches. The collective group is active with producing science-based products and then working to find implementation and funding opportunities to engage local landowners to prevent pollution. All the combined groups are engaged and working toward effective and efficient government processes to collectively tackle these issues. We encourage DOH and the ODW to join and support these approaches.
- There is an ongoing approach with Ecology and the nonpoint source team for developing a new Agricultural BMP guidance. Ecology has been leading meetings for several years of the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup. WSDA and numerous others agencies and groups are a part of this workgroup supporting Ecology in developing the agricultural BMPs.
- This rule making seems contrary to the current approaches developed through the Ecology meetings of the Voluntary Clean Water Guidance for Ag Effectiveness Workgroup <a href="https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv">https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv</a>, to implement the Washington State NPS Plan.
- There are many resources and examples of work being done in Washington State and around the nation and we encourage the support those efforts for voluntary solutions prior to moving to some regulation that could be wasteful. How would an agency actually regulated many thousands of small farms?

- We encourage an approach where successful current and cooperative efforts are inventoried and assessed, and then additional funding is sought for improving voluntary systems.
- The WSDA Natural Resources Assessment Section (NRAS) and DOH ODW team is already working on pilot efforts for ground water protection in source water areas where agriculture is the primary land use.
- The DOH ODW is working to fund new and updated Source Water delineation modeling in the Yakima Ground Water Management Area (GWMA) to assist in focusing on the GWMA implementation in delineated capture zones. The Yakima GWMA Plan is located here: <u>https://www.yakimacounty.us/541/Groundwater-Management</u>.
- Completing capture zone, time of travel, and contaminant source inventory work in the Yakima GWMA and statewide would be an important step for aquifer and drinking water protection. Source water assessments can be combined with other GIS based mapping tools and modeling to assist in focusing precious state and local resources for making protection improvements in source water areas.
- Small farm and landowner management of nonpoint source pollution should be voluntary and prevention efforts is supported by state and local efforts and supported from other partners such as the USDA NRCS.
- Prevention of contamination of surface water, ground water, and public and private drinking water systems is best accomplished with voluntary education and training programs.
- There are many national, regional, state and local organizations that have worked on the topic of animal waste and manure management with small farms and rural landowners.
- There are many resources as well as funding sources available to implement programs that can be targeted to the appropriate audience and stakeholders.
- In Washington there are many groups that have been working on these strategies and education and prevention programs including the WSCC, CDs, WSU, NRCS, WSDA and others.
- The management of small farm and rural potential contaminants such as nutrients, sediment, pathogens, and other nonpoint source pollutants is best handling through non regulatory and educational and prevention programs.
- While DOH has authority to create and focus rules on certain potential contaminants to protect human health and drinking water systems; we recommend that the agency consider assessing the potential power and success of state, federal and local government partnerships; along with agriculture associations and groups to tackle this issue in a more focus and preventative manner.
- Creating new rules that would have a broad and comprehensive approach to the whole state would be difficult to implement and enforce when there are many thousands of potential private property owners around the state that would become newly regulated. There would be many impacts to DOH staff and associated state and local governmental partners with a difficult and potentially contentious rulemaking such as this. This type of rule and the potential implementation would actually be counterproductive to the already active and challenging task of implementing educational and voluntary measures with landowners.
- Our view is that the current approaches of education, technical assistance, and voluntary efforts is currently building and gaining momentum with the Ecology Voluntary Clean

Water Guidance for Ag Effectiveness Workgroup Team and various agency efforts. Some key partners working to create partnerships and successful programs are the WSCC and CD efforts, NRCS cost share and farm planning efforts, and the WSCC Voluntary Stewardship Program (VSP) <u>https://www.scc.wa.gov/vsp</u>. There are a number of key ground water protection program efforts around the state including the: Yakima GWMA, Grant County SDWA project with WSDA and DOH, and the Ground Water Protection Program efforts in Whatcom Country with the CD, Ecology and WSDA. In addition, the unique interagency and international effort with the Nooksack Fraser Transboundary Nitrogen (NTF-N) project is a very important cooperative effort supporting sound science and solutions for nitrogen issues in the Nooksack watershed. These are just a few examples of ongoing successful efforts that are gaining momentum.

- There are many ongoing programs, efforts, and technical tools available for manure and small farm animal waste management such as:
  - o https://lpelc.org/manure-management-on-small-farms/
  - https://lpelc.org/manure-management-on-small-farms/#.VOtCiEJEjDM
  - <u>https://www.rd.usda.gov/programs-services/water-environmental-programs/solid-waste-management-grants/wa</u>
  - https://www.usda.gov/topics/farming/resources-small-and-mid-sized-farmers
  - <u>https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/nra/rca/?cid=</u> <u>nrcs143\_014211</u>
  - https://www.nrcs.usda.gov/wps/portal/nrcs/main/?ss=16&navtype=SubNavigation &cid=null&navid=15018011000000&pnavid=15018000000000&position=Sub Navigation&ttype=main&pname=Manure%20&%20Nutrient%20Management% 20%257C%20NRCS
  - <u>https://connect.extension.org/event/equipment-and-facilities-for-managing-</u> <u>manure-on-small-farms</u>
  - https://bentonswcd.org/mud-and-manure/
  - o <u>http://whatcom.wsu.edu/ag/nutrient/guidel\_1.pdf</u>
  - <u>https://puyallup.wsu.edu/soils/manure/</u>
  - <u>https://extension.oregonstate.edu/collection/mud-manure-management-resources-</u> <u>small-farms</u>
  - <u>https://nerc.org/documents/manure\_management/guide\_to\_providing\_manure\_management\_ed.pdf</u>
  - <u>https://www.extension.iastate.edu/smallfarms/manure-management-acreages-and-small-farms</u>
  - <u>https://www.scc.wa.gov/vsp</u>
  - Michigan Agriculture Environmental Assurance Program, <u>https://maeap.org/</u>
  - https://www.nrcs.usda.gov/wps/portal/nrcs/detail/vt/technical/dma/?cid=nrcs142p
     <u>2\_010561</u>
  - o <u>https://aces.nmsu.edu/farmasyst/</u>
  - o <u>https://bookstore.ksre.ksu.edu/pubs/homeasst.pdf</u>
  - <u>https://extension.psu.edu/programs/nutrient-management/related-programs/pennsylvania-farm-a-syst</u>
  - <u>https://www.landcan.org/</u>
  - $\circ \quad \underline{https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water}$
  - $\circ \quad \underline{https://www.epa.gov/sourcewaterprotection/source-water-assessments}$

- <u>https://ecology.wa.gov/About-us/Accountability-transparency/Partnerships-</u> <u>committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv</u>
- We recommend that the Board of Health place more effort, resources, funding, and partnership effort into further developing the SDWA and DOH ODW programs <a href="https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water">https://www.epa.gov/sourcewaterprotection/assess-plan-and-protect-source-water</a> for Group A and B source water modeling and system delineations and capture zone and time of travel analysis updates to properly assess the source areas for each public systems.
- This process in Washington State is very incomplete and the protection of ground water, source water, and public drinking water systems would be great enhanced if DOH, Ecology, WSDA, WSCC, CDs, and NRCS actually knew what spatial land areas up gradient of drinking water systems to focus on for our collective and current FTE staff time, resources, and funding.
- Our WSDA NRAS team is currently fulling engaged with DOH ODW staff in assessing all the Group A and B public drinking water data for nitrate, pesticides, and any other potential contaminant of concern.
- Our team has been very successful in proactively reviewing all the data, prioritizing what areas could be assessed and worked on in a systematic process. The goal has been to conduct a few focused projects such as the Yakima GWMA Implementation and Grant County ground water project to conduct update capture zone analysis and provide for programs to educate and provide technical assistance for nonpoint pollution issues that are voluntary in nature.
- These efforts should be pursued prior to some broad scope regulatory approach that would pull all the state and local agencies into something that would be misguided and result in wasting resources, funding, and antagonizing local land owners and small farm owners. It is our view, through first hand experiences, that small farm owners will make improvements once they're engaged with their local technical service provide through VSP and other programs which are lead with the CD, WSU Extension, WSDA and local watershed groups.

We appreciate the opportunity to comment on this draft rule making. We recommend that the state and local partners work to combine efforts and develop strategies that will incorporate effective and efficient use of staff, resources, and technical expertise. Our collective efforts should be strategically focused to work with agriculture and local landowners for farm system management, resiliency, and human health and environmental protection. We respectfully request that this proposed rule not be pursued. We look forward to working with the Board of Health to provide any additional input and helpful comments.

Thank you for considering our input, and we look forward to hearing back from you.

Respectfully,

Dary Bahr

Gary Bahr

Science Liaison Office of the Director Washington State Department of Agriculture Olympia, Washington Contact information: 360-349-0522, Gary.Bahr@agr.wa.gov

PC: Kelly McLain, Policy Advisor, WSDA Evan Sheffels, Senior Policy Advisor, WSDA Robin Schoen-Nessa, WSDA Perry Beale, WSDA Vince McGowan, Ecology Sage Park, Ecology Holly Myers, DOH ODW



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

#### Dear WA BOH,

We are the Friends of Toppenish Creek from Yakima County.

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.

People who live near animal feeding operations suffer from pollution of drinking water, air pollution, and infectious disease. State and local officials appear helpless to address this public health issue.

The magnitude of problems related to manure management has increased many fold since the introduction of concentrated animal feeding operations (CAFOs) to animal agriculture. Law makers who wrote rules to minimize health impacts from livery stables could not have envisioned storing animal excreta in million gallon lagoons or tossing it into the air to compost.

Remember that each mature milk cow excretes over 120 lbs of feces and urine every day. Multiply this by thousands of cows and that is a lot of manure.

A possible solution to this serious problem is to authorize citizen lawsuits against polluters when they cause or contribute to human illness or death. There is precedent for holding people responsible when they create conditions that harm others.

By herself, a woman whose husband dies from E-coli 0157 has little hope of winning against a multi-million dollar corporation that flaunts the law. But a change in the rules could make it possible to hold responsible parties accountable, by providing for cost recovery in litigation. Thank you for seriously considering this option.

Sincerely, ian Mendeza

Jean Mendoza

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

## Rationale for Citizen Lawsuits to Protect Public Health from Manure Pollution

#### Legal Authority:

#### RCW 43.20.050

#### Powers and duties of state board of health—Rule making—Delegation of authority— Enforcement of rules.

(2) In order to protect public health, the state board of health shall:

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

#### WAC 246-203-130

#### Keeping of animals.

(1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.

(2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.

(3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

#### Facts:

Human and animal excreta carry pathogens that endanger human and animal health. This is why we teach children to wash their hands after they go to the bathroom.

People who live in close proximity to animal feeding operations suffer from pollution of drinking water, air pollution and infectious disease.

The WA DOH and local health agencies do not monitor pollutants from AFOs, do not surveil for related health impacts, do not investigate complaints or health impacts, do not control discharges and emissions, and do not assist those whose health has been harmed. The WA State Dept. of Ecology and the WA State Dept. of Agriculture do very little, and specifically do not evaluate impacts on human health. It appears that the agencies lack the resources to characterize, assess, and evaluate health impacts from AFOs.

People who live in close proximity to AFOs spend millions of dollars out of pocket to purchase safe drinking water, address health impacts such as asthma, cardiovascular and lung disease, and infections.

Taxpayers spend millions of dollars to subsidize AFO actions to reduce and mitigate pollution, and to keep AFOs in business.

Cost benefit analysis of the proposed WAC 246-203-130 does not address costs to citizens, only costs to business.

Meeting legal standards to prove health hazards is expensive. In reality, a citizen who suffers illness or even death due to sloppy manure management does not have the financial resources to prove a cause and effect relationship. Public health agencies rarely make these connections.

Current WA rules and regulations do not protect citizens from the adverse health impacts of air and water pollution from improper manure management.

#### Proposed change to the Draft WAC 246-203-130:

One solution to this problem is provision for citizen lawsuits against those who damage public health. Such lawsuits could be allowed by provisions similar to those in the Clean Water Act. Citizens could seek injunctive relief (court orders prohibiting the pollution from continuing), civil penalties, and reimbursement of legal costs and attorneys' fees.

Proposed addition to WAC 246-203-130:

Any citizen may commence a civil action on his own behalf or on behalf of dependents:

- 1. Against any person, or collective of persons, who are alleged to discharge pollutants into a drinking water aquifer, or the ambient air in amounts that inflict illness or death.
- 2. Against responsible officials for failure to perform an act or duty to investigate negative health impacts from airborne or waterborne pollutants from animal manure.

The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.

#### **Arguments:**

People who live near animal feeding operations where large amounts of manure are (mis)managed suffer documented adverse health impacts, but state and local officials appear helpless to change this situation. Citizen lawsuits could play a role in providing relief. Citizen lawsuits could realistically be undertaken if attorneys and expert witnesses could reasonably expect payment for their services.

Criteria for proving adverse health impacts will undoubtedly be subject to intense debate, but this obstacle is not insurmountable.



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear WA State Board of Health,

We are the Friends of Toppenish Creek from Yakima County.

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.

We appreciate your hard work on WAC 246-203-130, especially the comprehensive paper, "Keeping of Animals". The documentation of health impacts deserves close attention.

- 1. In 2013 Davis et al found higher rates of campylobacteriosis in Whatcom and Yakima Counties, the WA counties with the highest concentrations of dairies and dairy animals.<sup>\*</sup> Please add this research to your literature review.
- 2. Unfortunately, the document "Keeping of Animals" is no longer up to date. Since 2018:
  - a) The WA Legislature has approved the HEAL Act and the Climate Commitment Act.
  - b) Staff at the WA State Dept. of Agriculture have discounted the value of Tech Note 23 assessments for manure lagoons.
  - c) Ecology has not completed a plan for nonpoint source pollution as promised.
  - d) There is even more data that documents egregious pollution of WA aquifers by concentrated animal feeding operations (CAFOs).
  - e) The Yakima Regional Clean Air Agency (YRCAA) has rescinded their Air Quality Management Policy for Dairies.

- f) People who live in areas with high levels of fine particulate matter from CAFO emissions have suffered higher than average rates of morbidity and mortality from COVID 19.
- g) The WA State Court of Appeals ruled that the WA Pollution Control Hearings Board erred. Ecology's 2017 National Pollutant Discharge Elimination System (NPDES) permit does not protect waters of WA State.

Below is a more thorough analysis of "Keeping of Animals" that explains the need for updates, followed by a critique of BOH's Cost Benefit Analyses.

- 3. RCW 43.20.050 (c) states, "the State Board of Health shall . . . adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains". We find no authority to delegate this duty to either the WA State Dept. of Agriculture or the WA State Dept. of Ecology. In fact, neither of these agencies are qualified to address human health.
- 4. RCW 34.05.310 addresses negotiated rule making. We are not sure whether the actions leading up to this draft rule constitute negotiated rule making or not. We do know that the BOH convened two stakeholder meetings in 2019 to discuss the rule. There were more advocates just for the dairy industry than advocates for the citizens. The beef industry brought their lobbyists as well. Only FOTC argued for protection of CAFO neighbors. Everyone at the table was Caucasian.

If this is negotiated rule making, there are insufficient protections to ensure that other agencies will do their part to protect public health. Currently Ecology and WSDA have the power to control air and water pollution, but they do not use that power, so air and water pollution from dairies continue. There are no memoranda of understanding to guarantee cooperation and collaboration.

Sincerely. kan Mendeza

Jean Mendoza

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

<sup>\*</sup> Davis, M. A., Moore, D. L., Baker, K. N., French, N. P., Patnode, M., Hensley, J., ... & Besser, T. E. (2013). Risk factors for campylobacteriosis in two Washington state counties with high numbers of dairy farms. *Journal of clinical microbiology*, *51*(12), 3921-3927. Available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3838072/

## KEEPING OF ANIMALS Background and Policy Recommendations of the Washington State Board of Health for Revising WAC 246-203-130

https://sboh.wa.gov/sites/default/files/2022-01/KeepingOfAnimals-FinalReport.pdf

#### Pages 4 & 15:

Regulation of livestock manure, commercial animal feeding operations, and other domestic animal waste in Washington to protect water and air quality is framed mainly around the following:

- Dairy licensing
- National Pollutant Discharge Permits
- Nonpoint source pollution prevention
- Local ordinances
- Air quality control by Ecology and local air agencies

#### Response:

WA dairies are required to have nutrient management plans, but they are not required to follow them.<sup>1</sup> See "Keeping of Animals" page 15 that says, "The law does not require producers to follow the (nutrient management) plans."

Dairies are only inspected every 18 - 22 months and the inspections focus on what is written on paper, not on what is happening on the dairy. There is only one WSDA inspector for all Eastern Washington where 2/3 of WA milk cows are housed.

Less than 10% of WA dairies have NPDES permits. Permitted dairies in Yakima County apply manure in quantities that greatly exceed agronomic rates.<sup>1</sup>

Ecology has yet to complete a nonpoint source pollution plan for the state. Ecology has worked on nonpoint source pollution since 2015 and is nowhere completion.<sup>3</sup>

Local ordinances are almost non-existent and are not enforced by local agencies, at least not in Yakima County.<sup>4</sup>

<sup>3</sup> Ecology Voluntary Water Guidance for Agriculture at <u>https://ecology.wa.gov/About-us/Accountability-</u> transparency/Partnerships-committees/Voluntary-Clean-Water-Guidance-for-Agriculture-Adv

<sup>&</sup>lt;sup>1</sup> Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

<sup>&</sup>lt;sup>2</sup>See Attachment 1

<sup>&</sup>lt;sup>4</sup> See Attachment 2 – Email from the Yakima Health District re enforcement of Solid Waste Manure Composting rules

The Yakima Regional Clean Air Agency (YRCAA) rescinded an Air Quality Management Policy for Dairies in 2019. The YRCAA does not investigate air quality complaints against dairies and has never issued a notice of violation of odor or dust.<sup>5</sup> Washington CAFOs do not report hazardous air emissions.

The summary in "Keeping of Animals" gives the impression that other WA agencies address pollution from WA CAFO dairies. This is incorrect.<sup>6</sup>

Page 10:

The Lower Yakima Valley is similarly plagued by high nitrate levels in drinking water that are closely associated with significant numbers of farm animals and large animal feeding operations. Yakima County has the most dairy cows in the state (WSDA, 2011). About a third of the Lower Yakima Valley uses private, unregulated wells for drinking water. Between 10 and 20% of these wells have nitrate concentrations that exceed the national and state drinking water standard (USEPA, 2012b).

In 2018-2019 the Lower Yakima Valley Groundwater Management Area drilled 30 monitoring wells evenly spaced throughout the Lower Yakima Valley (LYV). At the time of drilling 45% of the wells had nitrate levels above 10 mg/L. Beginning in 2021 Ecology began sampling the monitoring wells to establish a baseline for the area. In the first two 2021 samplings 45% of the samples were above 10 mg/L.<sup>7,8</sup>

The EPA has studied nitrate levels in dedicated monitoring wells on a cluster of LYV dairies. The highest reading in the EPA studies is 234 mg/L.<sup>9</sup>

<sup>6</sup> Ecology and WSDA knew about pollution on a cluster of Lower Yakima Valley dairies for years, but gave the dairies glowing reports while the dairies applied manure to cropland at up to seven times agronomic rates. See Attachment 3.

<sup>7</sup> LYV GWMA Initial Ambient Groundwater Monitoring Well Report at <u>https://www.yakimacounty.us/DocumentCenter/View/21633/GWAC-Presentation---Monitoring-Well-Report-Overview---2019620-v20-1</u>

<sup>8</sup> WA Ecology Environmental Information Management System Data Base Groundwater Data at <u>https://apps.ecology.wa.gov/eim/search/Groundwater/GWSearch.aspx?SearchType=Groundwater&State=newsearch</u> <u>&Section=all</u>

<sup>9</sup> EPA Region X LYV Groundwater Fact Sheet 2014 Yakima Dairies Consent Order Update at <u>https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-fact-sheet-december-2014.pdf</u>

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC AA.pdf

#### Page 15:

WSDA has conducted lagoon inspections in the Yakima Valley based on the site inventory and assessment procedure of Natural Resources Conservation Service (NRCS) Tech Note 23. Between 2015 and 2017, WSDA inspected most dairy lagoons in the Yakima Valley with a minimum of two site visits, to evaluate the lagoons when full and when empty. The lagoons are scored on criteria (e.g., soil type, aquifer susceptibility, proximity to water bodies, compliance with design standards) and ranked on a risk probability matrix for site risk and seepage/structure risk. The evaluations are being carried out in concert with the CAFO permit, giving facilities with high risks two years to develop and implement plans to address the deficiencies.

WSDA now says that the Tech Note 23 Inspections re invalid. WSDA has not completed Tech Note 23 Inspections outside Yakima County as promised. Tech Note 23 Inspections in Yakima County are missing essential data and those dairies with high risk lagoons have not developed and implemented plans to address the deficiencies as stated in "Keeping of Animals"<sup>10</sup>

Page 16:

Any commercial or industrial operation that discharges waste material to state waters is required to have a permit from Ecology.

This is simply not true. Two dairies in the LYV dairy cluster that have well documented discharges are not covered by NPDES permits.<sup>11</sup>

Discharges are allowed in limited situations and cannot violate water quality standards or impair other uses of the waters.

Many dairies in Whatcom County are located in flood plains. Manure from these dairies flowed into the floodwaters of the Nooksack River in 2021. Taxpayers spent hundreds of thousands of dollars to help Whatcom County dairies pump manure from lagoons that were at risk of overtopping during the 2021 floods.<sup>12</sup>

<sup>&</sup>lt;sup>10</sup> See Ecology and WSDA Do Not Inspect Manure Lagoons at <u>http://www.friendsoftoppenishcreek.org/issues/water.html</u>

<sup>&</sup>lt;sup>11</sup> The EPA has found egregious pollution from crop land and from unlined manure lagoons on the Henry Bosma Dairy and the Liberty Dairy in the LYV dairy cluster. Neither of these dairies has an NPDES permit.

<sup>&</sup>lt;sup>12</sup> Verbal communication from Laura Watson, Director of the WA Dept. of Ecology at the April meeting of Ecology's Ag and Water Quality Advisory Committee.

Decision on CAFO Permit Appeal On October 25, 2018, the Washington State Pollution Control Hearings Board (PCHB) issued an order on an appeal of the CAFO permits by a number of organizations on all sides of the issue. The order upheld and affirmed the permits with the exception of a condition associated with lagoon assessments. Ecology is expected to reissue the permits consistent with the order (WSPCHB, 2018).

A coalition of environmental groups successfully appealed the PCHB decision to the WA State Court of Appeals. In 2021 the Court of Appeals ruled that the 2017 NPDES permits for CAFOs do not protect waters of the state.<sup>13</sup>

Ecology and WSDA jointly administer CAFO permits and also work cooperatively on the Dairy Nutrient Management Program and Agricultural Nonpoint Source Program. The agencies are guided by a Memorandum of Understanding (MOU) that was last updated in 2011.

The referenced MOU protects WA dairies from enforcement of the Clean Water Act. The WSDA Dairy Nutrient Management Program (DNMP) hardly ever documents a discharge to waters of the state. Consequently, there is no justification for requiring a dairy to obtain an NPDES permit. The DNMP typically states that a dairy complies with best management practices (BMPs) although WSDA and Ecology state that there is no approved list of BMPS for dairies.<sup>14</sup>

Page 19:

Ecology is currently undertaking a major project to develop voluntary clean water guidance for agricultural activities. The project aims to identify agricultural practices that are most effective in addressing nonpoint source impacts and achieving compliance with water quality standards. Impetus for the project is federal law, specifically the Clean Water Act and Coastal Zone Act Reauthorization Amendments of 1990, which require the agency to identify suites of practices for different sources of nonpoint pollution. The project is part of Ecology's 2015 Nonpoint Source Pollution Plan. The planning, stakeholder involvement, and technical analysis are expected to take a couple years (WSDOE, 2015b, 2015c, 2017).

After at least seven years Ecology's nonpoint source plan is nowhere near completion.<sup>3</sup>

<sup>13</sup> Puget Soundkeeper et al v. WA Ecology 2021, available at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/D2%2052952-1-II%20PUBLISHED%200PINION%20(2).pdf</u>

<sup>14</sup> WSDA & Ecology Memorandum of Understanding – A Chain of Errors, available at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/MOU%20Problems%20and%20Sequelae.pdf</u> Page 20:

RCW 7.48.305 explains that agricultural activities that are consistent with good practices and that conform with all applicable laws and rules are assumed to be reasonable and do not constitute nuisance unless the activity has a substantial adverse effect on public health and safety.

In Yakima County officials have never investigated the adverse public health effects of agricultural activities such as:

- Polluting groundwater
- Polluting surface waters and contaminating fish
- Polluting the air with particulate matter, ammonia, hydrogen sulfide, volatile organic compounds, ozone, methane, and nitrous oxide. <sup>5</sup>

Because there are no documented impacts officials refuse to take actions against allegedly "good agricultural practices" such as:

- Composting hundreds of dead cows in small areas
- Composting manure in the pens where cows live
- Discharging pollutants into aquifers that people access for drinking water.<sup>5</sup>

Morbidity and mortality from COVID 19 are well above the state average in Yakima County. Harvard University has documented a relationship between counties with high levels of particulate matter and deaths from COVID 19.<sup>15</sup>

Chapter 35.88 RCW applies to protection of public water supplies and explains that animal operations such as hog pens and feed yards that pollute municipal water supplies, storage, or conveyance are illegal and should be abated as nuisance.

The Outlook Elementary School in Yakima County had to drill two new wells due to nitrate contamination. The only likely source of this pollution is nearby dairies with well documented discharge to groundwater. Officials took no actions against the dairies but simply expected taxpayers to cover the expense of drilling new wells.

The City of Mabton has been forced to drill several new municipal wells due to a falling aquifer and nitrate contamination that reached 20 mg/L. Officials took no actions against upgradient dairies but simply expected taxpayers to cover the expense of drilling new wells.

<sup>15</sup> COVID 19 Incidence and Death Rates for Yakima County, available at

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at <u>http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC</u> AA.pdf

http://www.friendsoftoppenishcreek.org/cabinet/data/COVID%2019%20Demographics%20for%20Yakima%20Cou nty%20IV.pdf

*RCW* 70.54.010 and *RCW* 90.48.080 respectively make it illegal to deposit anything deleterious that affects public water supplies or to discharge polluting matter to waters of the state.

Dairy discharges to waters of the state are well documented, yet Ecology does nothing to stop this illegal activity.

Chapter 70.95 RCW sets requirements for solid waste management, which extends to animal waste and includes provisions that prohibit dumping or depositing waste in waters of the state or creating a nuisance. Companion solid waste handling standards, chapter 173-350 WAC, exempt land application of manure if applied at agronomic rates. If piled, over-applied, or otherwise mismanaged to create a problem, manure can be regulated as a solid waste.

Over application of manure to cropland is well documented, yet WSDA and Ecology do nothing to stop this illegal activity.<sup>1, 2, 6, 9</sup>

Page 21:

King County first adopted its livestock management ordinance in the mid1990s. The purpose of KCC 21A.30, sections 040 – 075, is to support the raising and keeping of livestock and to minimize impacts on water quality and salmon habitat. The code also regulates small animals. The code regulates lot size, livestock densities, farm planning, and management practices to prevent nonpoint pollution. The management standards include many requirements for manure storage and spreading. Section 122 of KCC 21A.12 complements this with a manure storage setback of 35 feet from the property line. <u>Commercial dairies are exempt</u> and must meet the requirements of DNMP (King County, 2009, 2013).

The Keller Dairy in King County, located next to the Snoqualmie River, spreads manure within 10 feet of the river, according to their manure pollution prevention plan (MPPP).

<sup>1</sup> Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

<sup>6</sup> Ecology and WSDA knew about pollution on a cluster of Lower Yakima Valley dairies for years, but gave the dairies glowing reports while the dairies applied manure to cropland at up to seven times agronomic rates. See Attachment 3.

<sup>9</sup> EPA Region X LYV Groundwater Fact Sheet 2014 Yakima Dairies Consent Order Update at <u>https://www.epa.gov/sites/default/files/2017-12/documents/lower-yakima-valley-groundwater-fact-sheet-december-</u>2014.pdf

<sup>&</sup>lt;sup>2</sup>See Attachment 1

See the Keller Manure Pollution Prevention Plan, page 11/22 that says:

In addition to using the MSA and ARM tools year-round, the appropriate seasonal setback distance will be utilized when applying manure. These seasonal setbacks are based on scientific studies which recommend specific distances for sediment and nutrient removal based on seasonal precipitation, soil saturation conditions, and surface runoff potential. This includes a more robust setback during the high risk months of October 1-February 28 of 100 feet, reduced to 40 feet from March 1-May 31 and September 1-September 30 when soils are drying, and <u>10 feet in the dry summer months of June 1-August 31 when precipitation is minimal and soils dry.</u> The following table lists the appropriate setback distances per season.<sup>16</sup>

#### Page 24:

Registration and Reporting: Feedlots with 1,000 or more cattle in operation between June 1 and October 1 are required to register with Ecology or their local air agency under WAC 173-400-099 to WAC 173-400-104, report emissions of certain criteria and toxic air pollutants, and undergo inspections every one to three years. Emissions are estimated based on the size, processes, and pollution controls of the animal feeding operation. Ecology recently conducted a comprehensive literature review and issued revised emissions factors for cattle feedlots in 2016.

Are dairies classified as feedlots? None of the 50 CAFO dairies in Yakima County register as sources of air pollution, or report emissions of air pollutants. There are about 100,000 milk cows in a 273 square mile area in the Lower Yakima Valley (LYV).

Controlling Fugitive Emissions, Dust, and Odor: Under RCW 70.94.640, odors or fugitive dust from animal feeding operations that are applying BMPs<sup>17</sup> are exempt from the requirements of the state Clean Air Act unless they have a substantial adverse effect on public health. Feedlots with 1,000 or more cattle are included in this agricultural activity exemption except they must:

- Follow BMPs<sup>17</sup> and develop and implement a fugitive dust control plan;
- Comply with the State Implementation Plan (SIP) for air quality; and

• Additional controls may be required as part of the SIP if an area is designated as nonattainment for particulate matter under national ambient air quality standards (NAAQS).

<sup>&</sup>lt;sup>16</sup> Manure Pollution Prevention Plan (MPPP) Keller Dairy, page 11/22, available at file:///C:/Users/Jean%20Mendoza/Downloads/2020-07-28%20MPPP%20(5).pdf

<sup>&</sup>lt;sup>17</sup> According to WA Ecology there are no approved best management practices for WA dairies. See Attachment 4.

Ecology or the appropriate local air agency review and approve fugitive dust control plans, inspect sources, <u>respond to complaints</u>, provide compliance assistance, and may issue enforcement actions. In 1995, Ecology issued guidelines on fugitive dust control for beef cattle feedlots and best management practices. These guidelines are included in the SIP to help the state meet and maintain the NAAQS and protect public health. Yakima Regional Clean Air Agency has also established policies and BMPs for animal feeding operations in their jurisdiction, <u>specifically for dairy operations</u>, confined heifer replacement feeding operations, and confined beef cattle feeding operations. As an added note, Ecology is working to interpret and implement changes to RCW 70.94.640 made in the 2017 legislative session by SSB 5196 (C 217, L 17) that extend the Clean Air Act exemption for odor and fugitive dust caused by agricultural activities to cattle feedlots. This will change aspects of the regulatory structure when finalized.

Washington law requires Ecology to approve a list of best management practices for CAFOs. Friends of Toppenish Creek submitted public records requests for a listing of these BMPS in 2021. Both Ecology and WSDA replied that there are none.<sup>17</sup>

The Yakima Regional Clean Air Agency rescinded their policy for dairies in 2019. The YRCAA does not investigate complaints regarding odor and dust from dairies.<sup>5</sup>

Page 25:

Capitalize on Local Health Authority The rule should capitalize on the authority and responsibility of local health boards and local health officers under chapter 70.05 RCW. This includes authority to:

- Supervise the maintenance of all health and sanitary measures;
- Enact and enforce local regulations as needed to preserve, promote, and improve public health; and

• *Provide for the prevention, control, and abatement of nuisances detrimental to public health.* 

In response to a 2021 public records request the Yakima Health District informed FOTC that the YHD does not enforce WAC 173-350-220 with respect to manure composting facilities.

http://www.friendsoftoppenishcreek.org/cabinet/data/FOTC%20Arguments%20for%20Dissolving%20the%20YRC AA.pdf

<sup>4</sup> See Attachment 2 – Email from the Yakima Health District re enforcement of Solid Waste Manure Composting rules

<sup>&</sup>lt;sup>5</sup> Arguments for Dissolving the Yakima Regional Clean Air Agency at

Leave Regulation of Large Animal Feeding Operations to Established Programs WSDA manages the Dairy Nutrient Management Program and Ecology and WSDA comanage the CAFO permit. For many reasons, the programs are complicated and hard to implement. Despite the challenges, the two agencies are best positioned to regulate the state's large commercial animal feeding operations given their legal authorities, expertise, resources, and support from many partner agencies. The same holds true for regulation of air emissions by Ecology and the local air agencies. In keeping with the preceding recommendations, the Board's rule should avoid duplicating core work of these programs and should aim to support these existing state programs with complementary authority and functions.

We have shown that Ecology and WSDA have failed to protect the environment from water and air pollution related to CAFO dairies. These agencies barely talk about human health. Leaving implementation of public health to Ecology and WSDA is a recipe for failure.

# Small Business Economic Impact Statement WAC 246-203-130 a Rule Concerning Keeping of Animals

Page 4:

NAICS Code 1121, Description "Cattle Ranching and Farming", # of businesses in WA "534", MCT (1% average annual payroll) "\$3,657.58", MCT (0.03% annual receipts) "\$3,864.14"

We believe the cost estimates in this category that includes the multi-million dollar dairy industry, are inaccurate. We do not believe that the payroll for veterinary services exceeds the payroll for dairies as stated in the Economic Impact Statement.

# Significant Legislative Rule Analysis WAC 246-203-130 a Rule Concerning Keeping of Animals Revising the Section Title to Domestic Animal Waste

Page 16:

WAC 246-203-130(3)(d)(iii)(D)(II) Site stockpiled livestock waste one hundred feet or more from a surface water body unless the surface water body is protected by one or more control or treatment practices that capture and prevent leachate and runoff.

Description: If waste from livestock is stockpiled for later use or disposal, this proposed exception to WAC 246-203-130(3)(d)(iii)(D) allows people to site stockpiles closer than one hundred feet of a surface water body if practices are applied to mitigate runoff and leachate. This can include practices to mitigate stockpiles such as covers and pads, or alternate methods of storing stackable waste, such as stacking and composting structures.

Common conservation practices for stackable waste include the following, listed by NRCS code. Practices can be applied individually or in combination. Practices may or may not be designed and constructed to NRCS standards but should always be designed to account for anticipated storage needs, surface loads, drainage, and possible seepage.

This section fails to inform the reader that the definition of "stockpiling" in the draft WAC 246-203-130 exempts manure composting and manure lagoons from the definition. In Yakima County there are over 500 acres of manure compost on bare ground.<sup>18</sup> In Yakima County there are over 200 acres of manure lagoons, and most are simply "clay lined" which means they are lined with compacted soil.<sup>18</sup> Leaching from these lagoons is significant and well documented.<sup>19</sup>

WAC 246-203-130 does not sufficiently address groundwater pollution or air pollution.

NRCS standards are guidelines and non-enforceable.

<sup>18</sup>Lower Yakima Valley Groundwater Management Area Nitrogen Availability Assessment at <u>https://www.yakimacounty.us/2131/Nitrogen-Availability-Assessment</u>

<sup>19</sup> Bosma Dairy Lagoon 3 shows massive nitrogen loadings leading to ground water contamination, available at <a href="http://charlietebbutt.com/files/CAFOs/Bosma%20Lagoon%203%20Abandonment%20Plan\_20220118.pdf">http://charlietebbutt.com/files/CAFOs/Bosma%20Lagoon%203%20Abandonment%20Plan\_20220118.pdf</a>

# Attachment 1: Reports available on the Ecology PARIS website at <u>https://apps.ecology.wa.gov/paris/PermitLookup.aspx</u>

## Annual NPDES reports from DBD Dairy 2018 to 2021

Field Risk Level	Field	Nitrate at 2'	Re	quired Actions		uired Actions d Upon Trends		Comments			
Low			1.41.11	S I I Statute 1							
Low	24	10									
Fall Soil Test Nitrate Range:	Old Mint	3	None		None		Cana	I break resulted in no water for 1.5 weeks, resulting			
Less than 15 ppm			wome		None			s of vield.			
<ul> <li>Less than 55 lbs/acre</li> </ul>							in loss of yield.				
		Ne	1		1-0-1-C						
Medium	018	17	1		T		-				
2 Million Contraction	02EC	18	1								
Fall Soil Test Nitrate Range:	08-118	27	Continue	with agronomic rate	None			I break resulted in no water for 1.5 weeks, resulting			
<ul> <li>15-30 ppm</li> </ul>				inter ap onormerate	i vone		in los	is of yield.			
<ul> <li>55-110 lbs/acre</li> </ul>											
A REAL PROPERTY AND A REAL PROPERTY.	States and	100				all and a second		A DAY OF A DAY			
	02EB	45			1		-				
High	07	45	• 3'sa	imples to be taken							
	08-11C	46		fall.							
Fall Soil Test Nitrate Range:	21	42	S. 5352		None			I break resulted in no water for 1.5 weeks, resulting			
• 31-45 ppm	22CP	39	• Re-6	valuate agronomic	0.896662775		in los	s of yield.			
<ul> <li>111-165 lbs/acre</li> </ul>	23	36	rate		2						
								(E)			
		Lun		The second	1		1000				
Very High	01C	117									
	02NWB	65	2								
Fail Soil Test Norate Range More than 45 ppm	02SWB	52		imples to be taken							
<ul> <li>Wore than 165</li> </ul>	02WC	67	next	: fall.			Canal	break resulted in no water for 1.5 weeks, resulting			
The/apre	03B	161	1973 - 1973 -	200 - 22 - 22				s of yield.			
	03C	140		uce application	2204/03/04/03	124219181010		S OF FICIL			
	04	64		luate agronomic	None at	this time	Some	fields have produced residual ppm levels that are			
	05	65	rate	<b>E</b> ()				above what would typically be expected given the			
	06	54			1			ed manure rates.			
	2255	63		approval of nutrient	1		8001				
	25	48	bud	get from DOE.							
	-	-									
	-	1			1		-				
						and the set loss of	1				
62°											
TABLE 3: Adaptive Manag	ement Action	s (Based on	Fall-2019	data)	1.1		- 12				
DBD WASHINGTON, LLC	1.1				111						
Field Risk Level	Field		Nitrate	Required Actions		Required Actions	based	Comments			
LINEAR THE REAL PROPERTY.	100000501		at 2'		U	upon Trends					
Low	Old Mint		17	None							

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions based upon Trends	Comments
Low Fall Soil Test Nitrate Range • Less than 15 ppm • Less than 55 lbs/acre	Old Mint	1.7	None.		
/ledium	01 C	30.3	Continue with agronomic		
all Soil Test Nitrate Range	08-11 C	18.8	rate.		
<ul> <li>15-30 ppm</li> </ul>	22 SS	21.9			
55-110 lbs/acre	25	19.3			
igh	02 EC	38.3	Adjust application timing.	None at this time	
all Soil Test Nitrate Range	04	40.5	3' fall soil sampling.	Concernation and Amore P	
<ul> <li>31-45 ppm</li> </ul>	06	40.1	Adjust application rates		
<ul> <li>111-165 lbs/acre</li> </ul>	07	39.6			
	23	32.3			
	24	38.8			
No.	-				
	01 B	62.3	Adjust application timing.	None at this time	Emergency applications in 2019 are the main
<ul> <li>Nusse than 05 ppm</li> </ul>	02 EB	67.5	3' fall soil sampling.		reason for the higher residual nitrate levels
<ul> <li>Note than 45 ppm</li> <li>Mote than 46 by face</li> </ul>	02 NWB	94.1	Reduce application rate		
· Marte Mandles founders	and the second se	48.5			
	02 WC	56.6	Get DOE approval for		
	03 B 03 C	132.7	nutrient budgets.		
	03 C	143.5			
	05 08-11 B	47.7			
	21	53.4			
		50.4			
	22 CP	50.2		/	
	1				

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions Based Upon Trends	Comments
Low	23	14.3			
Fall Soil Test Nitrate Range: • Less than 15 ppm	25	8.0			
Less than 55 lbs/acre	Old Mint	5.5			
Medium	06	28.9			
Fall Soil Test Nitrate Range:	07	24.2			
<ul> <li>15-30 ppm</li> <li>55-110 lbs/acre</li> </ul>	22 55	16.6			
<ul> <li>55-110 lbs/acre</li> </ul>	24	29.0			
		2.5.0			
High	01 C	43.9			
Fall Soil Test Nitrate Range:	02 EC	41.2	The nutrient budgets will be		
• 31-45 ppm	02 SWB	33.5	adjusted downward		
<ul> <li>111-165 lbs/acre</li> </ul>	05	40.8			
	01 B	50.7			
Very High	02 EB	65.1			
Fall Soil Test Nitrate Range:	02 NWB	50.0			
More than 45 ppm	02 WC	54.7			
<ul> <li>More than 165 lbs/acre</li> </ul>	03 B	164.9	The following fields will receive limited to no		
wolarie	03 C	193.3	application until the values		
	04	48.2	come down. Values are down		
	08-11 B	95.5	from 2019.		
	08-11 C	126.5			
	21	66.1			
	22 CP	62.5			

Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions Based Upon Trends	Comments
Low	Field 07	11.0	None		
Fall Soll Test Nitrate Range:	Field 22 SS	5.1			
<ul> <li>Less than 15 ppm</li> <li>Less than 55 lbs/acre</li> </ul>	Field 25	5.3			
Less than 55 lbs/acre	Old Mint	12.6			2 2
Medium	Field 02 EC	15.5	None	1	
Fall Soil Test Nitrate Range:	Field 05	25.3			
• 15-30 ppm	Field 06	16.9		<u>)</u>	
<ul> <li>55-110 lbs/acre</li> </ul>	Field 08-11 C	23.0			
	Field 23	25.3			
High	Field 01 B	41.0	No application for 2022		-
	Field 01 C	36.6	Reduced application		
<ul> <li>Fall Soil Test Nitrate Range:</li> <li>31-45 ppm</li> </ul>	Field 02 EB	33.0	No application for 2022		
<ul> <li>111-165 lbs/acre</li> </ul>	Field 02 WC	44.8	No application for 2022		
	Field 24	43.5	Reduced application		
Very High	Field 02 NWB	71.7	No application for 2022		Fields in the High to Very High risk levels continue to
	Field 02 SWB	45.5	No application for 2022		decrease as in 2019 there were 17 total fields in these
Fall Soil Test Nitrate Range: 45 ppm	Field 03 B	106.0	No application for 2022		categories and in 2020 there were 15 and now in 2021
More than 165	Field 03 C	214.7	No application for 2022		there are 13.
lbs/acre	Field 04	56.0	No application for 2022		
	Field 08-11 B	69.8	No application for 2022		
	Field 21	54.6	No application for 2022		
	Field 22 CP	52.9	No application for 2022		

Sunnyside Dairy Field Risk Level	Field	Nitrate	Required Actions	Required Actions based	
	N. S.	at 2'		upon Trends	Comments
OW	70 ac Pivot 02 Karl's	5.3	None.	No trends have been	
<ul> <li>all Soil Test Nitrate Range</li> <li>Less than 15 ppm</li> </ul>	Airport 02	9.1		established.	
Less than 55 ibs/acre	Airport 03	4.8			
· Less than 33 (bayatre	P01	13.7	8		
	P02	12.6	2		
	P03	3.1			
	Tom 03 70 ac	5.5			
and the second second second second	and the second state of the second	1.1	The Oken States in the second	Service and the service of the servi	
Viedium	70 ac Pivot 01 Karl's	23.6	None.	No trends have been	
Fall Soil Test Nitrate Range	70 ac Pivot 03 Karl's	22.7		established.	
<ul> <li>15-30 ppm</li> </ul>	Airport 01	25.0	8		
<ul> <li>55-110 lbs/acre</li> </ul>	Case	21.1	-		
	Field 01	18.9		0	
	Field 02	17.7	9		
	Field 03 CP	25.6	8		
	P05 Tom 01	18.0 28.4			
	Tom 02	30.7	· · · · · · · · · · · · · · · · · · ·		
STATISTICS IN STATISTICS	1011102	50.7	Contraction of the second	Contraction of the local division of the loc	
figh	Field 04	38.9	Adjust application timing.	No trends have been	
all Soll Test Nitrate Range	Little Dairy E	35.7	3' fall soil sampling.	established.	
• 31-45 ppm	Little Dairy N	32.3	Document reasons for	a contraction of the second	
<ul> <li>111-165 lbs/acre</li> </ul>	P04	36.9	higher residual.		
	Wade's 02	33.5			
Contract of the second second	A CONTRACTOR OF THE				
	60 ac	125.8	Adjust application timing.	No trends have been	
	100 ac	62.7	3' fall soil sampling.	established.	
<ul> <li>Aluse Hum 45 perce</li> </ul>	Field 03 Linear	51.3	Document reasons for		
<ul> <li>Numerthanse55 the/Anne</li> </ul>	Field 05	66.4	higher residual.		
	Guerra	80,4	Get DOE approval for		
	Little Dairy W	62.2 65.3	nutrient budgets.		
	Orchard	65.3			
	Rick	00 3			
	Rick Wade's 01	88.3			
TABLE 3: Adaptive Manag Sunnyside Dairy	Rick Wade's 01 Wade's 03 ement Actions Sunnys	48.9 181.6	2020 Fall		
Sunnyside Dairy	Wade's 01 Wade's 03	48.9 181.6 side Dairy	2020 Fall Required Actions	Required Actions based	Comments
the second se	Wade's 01 Wade's 03 ement Actions Sunnys	48.9 181.6 side Dairy	no	Required Actions based upon Trends	Comments
Sunnyside Dairy Field Risk Level	Wade's 01 Wade's 03 ement Actions Sunnys Field	48.9 181.6 side Dairy Nitrate at 2'	no		Comments
Sunnyside Dairy Field Risk Level Low	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's	48.9 181.6 side Dairy Nitrate at 2' 4	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01	48.9 181.6 side Dairy Nitrate at 2' 4 3	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range Less than 15 ppm Less than 55 lbs/acre Medium	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6	no		Comments
Sunnyside Dai ry Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than SS Ibs/acre Medium Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 22 24	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 24 16	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 22 24	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP	48.9 181.6 side Dairy Nitrate at 2' 4 3 3 4 24.6 29.8 15 22 24 15 22 24 15 17	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 03 CP Little Dairy N Little Dairy W	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 24 16 17 26.1	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 3 3 3 15	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 29.8 17 26.1 30 15 22.5	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range Less than 15 ppm Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range 53-30 ppm 55-110 lbs/acre	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 29.8 17 26.1 30 15 22.5	no		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01	48.9 181.6 Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 22 24 17 26.1 30 15 22.5 22	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 12 22 24 6 29.8 12 22 24 16 22 24 17 26.1 30 17 22.5 22 24 31 37 34	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22.5 22.5 22.5 31 37 34 15	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 34 31 37 34 5 20	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 15 22 24 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 22 24 15 22 24 15 15 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 22 22 24 15 15 22 22 22 24 15 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 30 15 30 15 30 15 32.5 31 37 34 15 20 20 24 4 35.5	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm	Wade's 01 Wade's 03 ement Actions Sunnys Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03	48.9 181.6 side Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 22 24 15 15 22 24 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 15 22 24 15 22 24 15 22 24 15 15 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 15 22 22 24 15 22 22 24 15 15 22 22 22 24 15 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate-Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy N Case's Field 04 Little Dairy E Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 22 24 15 22 22 24 15 22 22 24 15 22 22 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 27 24.6 29.8 17 26.1 30 17 26.1 30 17 26.1 30 4 35 22.5 22 24 17 26.1 30 4 35 22.5 22 24 37 34 15 20 4 35 37 34 15 26 26 26 26 27 26 26 26 26 26 26 26 26 26 26	Required Actions		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Veroy High Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Alrport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's	48.9 181.6 side Dairy Nitrate 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 30 15 22.5 22 24 31 37 37 33 34 35.5 38	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward.		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fall Soil Test Altrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 02 Field 02 Field 03 CP Little Dairy N Little Dairy N Little Dairy N Little Dairy N Little Dairy N Little Dairy S Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 34 15 22.5 22 22 24 5 22 22 24 5 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 24 35 22 22 24 35 22 22 24 35 22 22 24 35 22 22 22 24 35 22 22 22 22 22 24 35 22 22 22 22 22 22 22 31 37 34 4 35 220 22 22 22 22 22 22 22 22 2	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre Nigh Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very Migh Fall Soil Test Nitrate Range	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy S Tom 03 70 ac Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 03 Karl's Field 05	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 17 26.1 30 15 22.5 22 24 15 22.5 22 24 15 22.5 22 24 15 25 60 55 60 55 56 48	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward.		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fall Soil Test Altrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 60 ac 100 ac Airport 03 Field 01 Field 02 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Uttle Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's 70 ac Pivot 01 Karl's Field 05 Guerra	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 4 16 17 26.1 30 15 22.5 22 24 16 17 26.1 37 37 37 37 37 37 37 35.5 38 60 52 52 56	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High Fail Soil Test Mitrate Range • More than-45 ppm	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 02 Field 01 Field 03 CP Little Dairy N Little Dairy S Tom 03 70 ac Rick's Tom 01 N 70 ac Pivot 01 Karl's 70 ac Pivot 03 Karl's Field 05	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 16 17 26.1 30 15 22.5 22 24 17 26.1 30 15 22.5 22 24 15 22.5 22 24 15 22.5 22 24 15 25 60 55 60 55 56 48	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments
Sunnyside Dairy Field Risk Level Low Fall Soil Test Nitrate: Range • Less than 15 ppm • Less than 55 lbs/acre Medium Fall Soil Test Nitrate Range • 15-30 ppm • 55-110 lbs/acre High Fall Soil Test Nitrate Range • 31-45 ppm • 111-165 lbs/acre Very High: Fall Soil Test Mitrate Range • 31.45 ppm • 111-165 lbs/acre	Wade's 01 Wade's 03 Field 70 ac Pivot 02 Karl's Airport 01 Airport 03 60 ac 100 ac Airport 03 Field 02 Field 02 Field 02 Field 02 Field 02 Field 03 CP Little Dairy W P05 Tom 03 70 ac Wade's 01 Wade's 02 Case's Field 04 Little Dairy E P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's Field 03 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's Field 03 Little Dairy E P01 P02 P03 Rick's Tom 01 N 70 ac Pivot 01 Karl's Field 03 Little Dairy E P01 P02 P03 Rick's Tom 01 N	48.9 181.6 ide Dairy Nitrate at 2' 4 3 4 24.6 29.8 15 22 24 15 22 22 24 15 22 22 24 15 22 22 22 24 15 22 22 22 22 22 22 22 22 22 2	Required Actions  Required Actions  Nutrient budgets will be adjusted downward  Nutrient budgets will be adjusted downward. Some fields will not		Comments

# Annual NPDES reports from Sunnyside Dairy 2019 to 2021

Sunnyside Dairy	24	10	<u> </u>	22 C	301
Field Risk Level	Field	Nitrate at 2'	Required Actions	Required Actions based upon Trends	Comments
Low	60 ac	7.9	None	400	
Fall Soil Test Nitrate Range	70 Pivot 01 Kari's	8.6	Sector as an		
<ul> <li>Less than 15 ppm</li> </ul>	100 ac	10.3			
<ul> <li>Less than 55 lbs/acre</li> </ul>	70 ac Pivot 01 Karl's	8.6	1		
	70 ac Pivot 02 Karl's	8.0			
	Field 01	9.0	6		
	Orchard	13.4			
	Tom 01 N	11.8			
	Case's	12.3	ŝ.		
	Tom 03 70 ac	5.6			
	Airport 01	3.4			
	Airport 03	7.5	<u> </u>		
Medium	Wade's 02	15.4	None		
Fall Soil Test Nitrate Range	70 ac Pivot 03 Karl's	19.2			
<ul> <li>15-30 ppm</li> </ul>	Field 02	22.5			
<ul> <li>55-110 lbs/acre</li> </ul>	Field 03 CP	23.7	1		
	Rick's	15.7			
	Tom 02 W	19.3			
	Field 05	28.5			
	Guerra	17.6			
	Little Dairy E	16.0	1		
	Little Dairy N	20.1			
	Little Dairy W	24.6			
	P 01	23.3			
	P 02	28.2	1 C C C C C C C C C C C C C C C C C C C		
	P 03	21.9			
	P 05	21.9			
High	Field 03 Linear	38.4	Reduce application	Watch Field 03 Linear	
Fall Soil Test Nitrate Range	Field 04	31.8	the set approximation	and Field 04 as two	
<ul> <li>31-45 ppm</li> </ul>	Wade's 01	39.4	3	years in High or Very	
<ul> <li>111-165 lbs/acre</li> </ul>				High	
very regit	Wade's 03	54.8	Reduce application	Watch P04 and Wade's	
Fall Soll Test Mitrate Range	Airport 02	49.4	R 200	03 as two years in High	
<ul> <li>More than 45 ppm</li> </ul>	P 04	58.3		or Very High	
<ul> <li>More than165 lbs/acre.</li> </ul>	E WELL	20.3			

Attachment 2: Email from Shawn Magee at the Yakima Health District, October 20, 2021:

# Follow-Up Info for Public Records Request Email 1 of 2

Good Afternoon Ms. Mendoza,

Below is a the response to the question you asked in a follow-up email for the records request you submitted. Also, attached are the records we have for your follow-up request.

Please note that many facilities, including exempt composters, are supposed to submit a notice of intent – many have not. Also, many facilities, including exempt composters, are supposed to submit an annual report – many have not. These records are from 2010-present.

. . . . . . .

Shawn Magee, R.S.

Environmental Health Director

Yakima Health District

Office: (509) 249-6533



# Attachment 3: Soil Nitrate Reports from George DeRuyter & Son Dairy

	-		Web: agrint	prosent.				Fer	tilit	Y R	epo	rt	
George DeR	uvter	& Sons	(Y281	)						97 GEN	0.7/1990		F13-060
Field: GDS	1000	W-3335	10.00	26	cres:	99.1		Se	mple 1	Date:	10/17/2	013	757
Crop: Tritic				333	70656)	Wheel lin		0.32	vious C	10100	2013 A	Ifalfa	
Crop: Thuc	ale-300			11	rigation	, white a m			rrent C			riticale Su	dan
Soil series:	Scool	n silt loar	n		Leach	Hazard:	.ow	1	vo. of S	ites:	30		
Topography:		y undulat						vg Samp			3.0		
Restrictive laye	122.5		COLORISA D	on the	surface.	caliche lay		- S - Sandy			10000		
Residue Incor	1922 - 1952		S			ale-Sudan		d					
승규가 아름다 가지 않는 사람이 했다.													1001532
		Whitish s				ampling th d ridges.	G IIIIN	aic waa	GL 2-4	tan. Y	Giuntee	r anana,	com, a
		ppm A	tobile l	Nutrien	ts (Ibs/	ac) Excl	. / S	oluble B	ases (	meq/	100g)	Other	Data
	Depth	NO ;	NO <sub>3</sub>	NH 4	SO 4	B	Ca I	Mg A	Na	T.B.	CEC	VolWt	%AW
Sample Area	wepm		65	7	37	1.6 16	20 3	3.90 1.04	0.30	21.44	19.2	1.25	75%
Construction of the Owner of the	1'	19	00	1001107									
Field Composite Field Composite	1' z'	24	81	108107								1.25	88%
Field Composite Field Composite	1'	24 14	81 49									1.25 1.25	
Sample Area Field Composite Field Composite Field Composite	1' z'	24	81	7	37	1.6						92,070	
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resid	24 14 Totals:	81 49 195 tes are	moderat	e. Amm	onium is in	equilit	brium. S	ulfur is	adequ	ate, whi	1.25	81%
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resik ossibly	24 14 Totals: Jual nitra	81 49 195 tes are Sodiu	moderat m is favo	e. Ammorably lov	onium is in			ulfur is	adequ	ate, whi	1.25	81%
Field Composite Field Composite Field Composite Comments: T	1' 2' 3' he resik ossibly	24 14 Totals: dual nitra marginal	81 49 195 tes are Sodiu	moderat m is favo rients ()	e. Ammorably lov	onium is in ver.		ta	ulfur is mhos/c		ate, whi	1.25 le boron	81%
Field Composite Field Composite Field Composite Comments: Ţ P	1' 2' 3' he resit ossibly	24 14 Totals: dual nitra marginal <b>Immob</b>	81 49 195 tes are Sodiu	moderat m is favo rients () <u>Mn</u>	e. Ammo prably lov	onium is in ver. Chemica	ni Dat	a <u>EC m</u>		<u>m</u> _		1.25 le boron	81%

CONSULTANTS	1		Web: agriting	Laim			F	Fert	ilit	VR	epo	ort	
George DeF	avter a	Son	(Y281)	)				27.010				0.959	F13-056
Field: GDS	S		. (		cres:	135.6		San	nle D	ate:	10/14/2	2013	757
Crop: Tritic		ae Corr	2	33	100	: Center pivot	Sample Date: Previous Crop:				2013 T	age com	
Crop.			15			6. STATISTICS (1999) - 1990) - 19900) - 1990) - 1900) - 1900) - 1900) - 1900) - 1900) - 1900) - 1900)		Curi	ent C	rop:	2014 T	inticale-Sil	age com
Soil series:	Ward	en silt k	am		Leach	Hazard: Low		No	o. of S	ites:	30		
Topography:	Gently	/ divide	d sloping				Avg S				3.0		
Restrictive lay	er? Y	Wher	e? Some	rocks,	mainly in	the NW corner		-	31.5				
ACCOUNT CONFECTION IN													
		Type	Scatte	red cult	tivation st	rips.							
Residue Incor Comments: §	<i>p?</i> N	1.00				rips. nt weed cover.	Corn	stalk s	ize wa	as non	mal. So	oil surfac	e was
Residue Incor Comments: §	p? N Sampled	a three		compo	site. Ligi	nt weed cover.							
Residue Incor, Comments: 5	p? N Sampled	a three	foot field	compo	site. Ligi	t weed cover.					100g)		Data
Residue Incor Comments: 5 0 Sample Area	<b>p?</b> N Sampled Iry.	a three	foot field Mobile N	compo Iutrien	site. Ligi ts (Ibs/4 <u>SO 4</u>	nt weed cover.	Solub	le Ba	ses (I	meq/	100g)	Other VolWt	Data %AW
Residue Incor Comments: §	<b>p?</b> N Sampled Iry.	a three	foot field Mobile N	compo lutrien <u>NH 4</u>	site. Ligi ts (Ibs/4 <u>SO 4</u>	t weed cover.	Solub <u>Mg</u>	le Ba	ses (I	meq/ T.B.	100g) CEC	Other VolWt	Data %AW 90% 85%

Comments: The residual nitrates are excessive. Ammonium is in equilibrium. Sulfur and boron are very high. Sodium is slightly to moderately elevated.

		Imn	nobile	Nuti	rients	(ppi	m)	Chemical Data					
Sample Area	Depth	P	way K	Zn	Mn	Fe	Си	O.M.	pН	EC mmhos/cm	Eff/Calc.		
Field Composite	1'	398	2650	13.5	2.9	31	2.8	3.3%	7.8	2.34	Yes		

1774

7

Contraction of the second of the second	1		Web: agring	JLCOM				Fer	tilit	y R	epo	ort	
George DeF	Ruyter &	& Sons	(Y281	)									F13-054
Field: GDS	S-SU-07		10000 - 10090 C.C		cres:	76.6		Sa	nple D	ate:	10/9/2	013	757
Crop: Alfal	fa			1	rrigation	Center p	ivot	Prev	ious C rent C	rop:	2013 / 2014 /	13103	
Soil series:	Ward	en silt lo	am		Leach	Hazard:	Low No. of Site			ites:	30		
Topography:	Gently	undula	ting.				Avg Sampling Depti				2.6		
Restrictive lay	10		50T0 - 55	s in scat	ttered site	s.			184				
Residue Incor	10 1993												
	23	100		line and the second second						2.22			1
Comments: §	Sampled	a three	foot field	1 compo	site. Har	vested red	ently.	Alfalfa at	2-3" tai	l with	a 50%	canopy	overail.
Comments: §	Sampled	1			ts (Ibs/a	And a state of the	<u> 8</u>	Alfalfa at Muble Ba					
	Sampled Depth				ts (lbs/a	ec) Exc	h. / So				100g)		Data
Sample Area	201200 12 12 12	ppm	fobile l	Vutrien	ts (lbs/a	B	h. / So Ca M	luble Ba	ses (n	neq/	100g)	Other VolWt	Data %AW 78%
Sample Area Field Composite	Depth 1' 2'	ppm M NQ 3	NO 3	Vutrien	ts (lbs/4 <u>SO 4</u>	B	h./So Ca M	luble Ba Ig K	ses (n <u>Na</u>	neq/ T.B.	100g) CEC	Other VolWt	Data %AW 5 78% 5 82%
Sample Area Field Composite Field Composite	Depth 1'	ppm <u>NO</u> 3 31	<b>NO</b> 3 104	Vutrien	ts (lbs/4 <u>SO 4</u>	B	h./So Ca M	luble Ba Ig K	ses (n <u>Na</u>	neq/ T.B.	100g) CEC	Other VolWt	Data %AW 5 78% 5 82%
	Depth 1' 2' 3'	ppm NO 3 31 74 76 Totals: nitrates	10bile 1 <u>NO 3</u> 104 252 257 613	Nutrien <u>NH</u> 5	ts (lbs/4 <u>SO 4</u> 286 286	<b>B</b> 5.1 19	h. / Sa Ca <u>N</u> 190 4	luble Ba <u>Ag</u> <u>K</u> 00 1.94	nses (n <u>Na</u> 0.72	neq/ T.B. 26.56	100g) <u>CEC</u> 16.1	Other VolWt 1.2 1.2 1.2	Data %AW 5 78% 5 82% 5 74%
Sample Area Field Composite Field Composite Field Composite	Depth 1' 2' 3' Residual lightly el	ppm NO 3 31 74 76 Totals: nitrates	100 10 10 <u>NO 3</u> 104 252 257 613 are high	Nutrien <u>NH 4</u> 5 5	286 0nium is i	B B 5.1 5.1 5.1	h. / So Ca <u>N</u> .80 4	fuble Ba	nses (n <u>Na</u> 0.72	neq/ T.B. 26.56	100g) <u>CEC</u> 16.1	Other VolWt 1.2 1.2 1.2	Data %AW 5 78% 5 82% 5 74%
Sample Area Field Composite Field Composite Field Composite	Depth 1' 2' 3' Residual lightly el	ppm NO 3 31 74 76 Totals: nitrates evated.	1000 100 100 100 100 100 100 100 100 10	Nutrien <u>NH 4</u> 5 1. Amm rients (	286 0nium is i	<b>B</b> <b>B</b> 5.1 18 5.1 n equilibriu	h. / So Ca <u>N</u> .80 4	fuble Ba	nses (n <u>Na</u> 0.72	neq/ <u>T.B.</u> 26.56	100g) <u>CEC</u> 16.1	Other	Data %AW 5 78% 5 82% 5 74%

	1	Immol	bile Nuti	rients (	(ppm)	Chem	ical Di	ata							
			S.		an - 1983	- den			0.00		<u>.</u>		-		
	Residual elevated.		s are high	n. Amm	ionium is	in equilit	rium.	Sulfur	and b	oron a	are hig	h. Sod	ium is s	lightly	
259 (55 (56 (57 (57 (57 (57 (57 (57 (57 (57 (57 (57		Totals:	786	5	384	6.2									
Field Composite	3'	102	348			0.00.000							1.28	5 70%	
Field Composite	2'	82	277										1.28	5 75%	
Field Composite	1"	47	161	5	384	6.2	17.00	4.30	3.38	0.70	25.38	17.4	1.2	5 65%	
Sample Area	Depth	NO,	NO,	NH 4	SO,	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW	
		ppm	Mobile I	Vutrier	nts (lbs/	ac) Ex	ch. /	Solub	le Ba	ses (i	meq/	100g)	Other	Data	
					isible on t			ounac	ab uny.	ocar		ight to i	nogera	o nood.	
	1.11		3		osite. Po			eurfac	e dev	Scat	lered li	ight to a	noderet	e weed	
Residue Inco.	1000				erate stal										
Restrictive la	1. 1949.20			ered mo	derately	compact				- M.	************************************				
Topography:	Gentl	v undul	ating		1.110.200	N 2300 (566)	0.01250	Avg S		10.00		2.7			
Soil series:	Ward	en silt	loam		Leach	h Hazard	Low		N	o. of S	ites:	32			
1999					3 368 mm				Cur	rent C	rop:	2014 T	riticale-Si	lage com	
Crop: Triti	icale-Sila	ge Con	n	3	rrigation	: Cente	pivot		Previ	ous C	rop:	2013 T	2013 Triticale-Silage corr		
Field: GD	S-SU-06			1	Acres:	84.5			San	nple L	Date:	10/16/2	2013		
George Del		& Son	s (Y281	)										F13-050	
											,	cpo			
			Web: agrint	gtoom				F	ert	-111+	VR	eno	rt		
			Wab: sgrint	gLoom				F	ert	lilit	VR	epo	rt		

	1	Yakime, WA 9	Web: agring	Fax: (509) 6 Loom					Fert	ilit	y R	epo	rt	
George DeR	uvter á	& Sons	(Y281)	is in the second se					S 1544					F13-060
Fleid: GDS			<b>(</b>		cres:	169	5.5		Sar	nple D	ata:	10/17/2	013	757
									2.538	ious C				
Crop: Tritic	ale-Sila	ge Corn		In	rigation	I: Ce	nter pivo			rent C			iticale-Sil	age com age com
Soil series:	Ward	en silt loa	am		Leach	Haz	ard: Low		N	o. of S	ites:	30		
Topography:	Gentl	e undulat	tion, sou	th slope					Sampli			2.6		
Restrictive lay	2430000332		? Hard			bout 2	4"		Sampa			12022		
Residue Incor	RNS - 829		Corn		8 (1 <b>7</b> ) (17 7 1 1									
	2011 - 1911 1913 - 1914					27.50	2421142101		20.0500M	0.0320	40.00	1000000	2122388	0.254205
		a three f	ghout th	e field.	Some sr	nut be	odies on	the re	maining	stalk	s. Salt	s on the	e soil su	rface.
		ppm <sup>N</sup>	lobile N	lutrient	ts (lbs/	ac)	Exch.	Solu	ible Ba	ses (I	neq/:	100g)	Other	Data
Sample Area	Depth	NO,	NO 3	NH .	SO .	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW
Field Composite	1'	161	549	4	755	9.2	17.10	5.00	7.63	1.27	31.00	17.6	1.25	77%
Field Composite	2	161	546										1.25	
Field Composite	3	139	472			-							1.25	74%
		Totals:	1567	4	755	9.2								
Commenter 7		dual nitra aly elevat		470,0000			emical				onare	nign. c		15
0.		Immobi	le Nutr	ients ()	opm)	Ch	ennicari						and a	
ŕ		Immobi P <sup>P(wei)</sup> I	lle Nutr K Zn		opm) Fe Cu	1		DH	EC mm	hos/c	m 1	Eff/Calc		
		5-5-0al535	K Zn	Mn 1		1		<b>PH</b> 7.7	EC mm			Eff/Calc /es	<u>.</u>	
Sample Area Field Composite Comments:	Depth 1'	P P(ece)	K Zn 6 13.7 Zn are	$\frac{Mn}{2.2}$ very hig	Fe <u>Cu</u> 25 4.0 h. Mn is	s low,	0.M. 3.4% while Fe	7.7	1.4	33	- ī	'es	55 0.0004	high. S
Sample Area Field Composite Comments:	Depth 1' The soil I oH is alk	P <sup>P(word)</sup> 1 243 297 P, K, and	K Zn 6 13.7 Zn are 1 salts ar	$\frac{Mn}{2.2}$ very hig	Fe <u>Cu</u> 25 4.0 h. Mn is	s low,	0.M. 3.4% while Fe	7.7	1.4	33	- ī	'es	55 0.0004	high. S
Sample Area Field Composite Comments:	Depth 1' The soil I oH is alk	P <sup>P(wei)</sup> 243 297 P, K, and aline and	K Zn 6 13.7 IZn are I salts ar	$\frac{Mn}{2.2}$ very hig	Fe Cu 25 4.0 h. Mn is rately ele	s low, evated	0.M. 3.4% while Fe	7.7 and (	1. Cu are s	33 ufficie	- ī	'es	55 0.0004	high. S

	1		Web: agring	toon					-			10000	1000	
									-ert	int	y R	epo	IT	
George DeR	uyter a	& Sons	(Y281	)										F13-053
Field: GDS	-SU-05			A	cres:	1	00.6		San	aple D	ate:	10/9/20	013	757
Crop: Tritic	ale-Sila	ge Corn		I	rigatio	n: C	enter pivot		Previ	ous C	rop:	2013 T	rtticale-Sil	lage Com
	8						12		Curi	rent C	rop:	2014 T	riticale-Sil	lage Com
Soil series:	Ward	en silt lo	am		Leac	h Ha	zard: Low		No	o. of S	ites:	30		
Topography:	Gently	y to mod	ierately u	Indulatin	ıg.			Avg S	Sampli	81.7726		2.4		
Restrictive lay	er? Y	Wher	? Rocks	through	nout at a	scatt	ered sites.							
Residue Incor	p? N	Type?	Light	stalks, p	artly dis	ked	in early fall.							
Comments: S	ampled	a three	foot field	compo	site. Th	iere h	had been m	odera	te to h	eavy v	veeds	in this f	field.	
	14111201414	ppm 1	Mobile N	lutrien	ts (Ibs,	/ac)	Exch. /	Solut	)e Ba	ses (I	meq/	100g)	Other	Data
Sample Area	Depth	NO 3	NO 3	NH 4	SO .	B	Ca	Mg	K	Na	T.B.	CEC	VolWt	%AW
Field Composite	1'	263	894	4	972	12.3	17.10	5.10	7.62	1.45	31.27	17.4	1.25	74%
Fleid Composite	2'	254	864										1.25	10 1000
		1000	894										1.25	81%
Fleid Composite	3.	263 Totals:	2652		972	12.3								

Comments: Residual nitrates are excessive. Ammonium is in equilibrium. Sulfur and boron are very high. Sodium is moderately elevated.

		Imm	nobile	Nuti	ients	(ppi	m)	Chemica	I Data	1	
Sample Area	Depth	P*	***) K	Zn	Mn	Fe	Cu	O.M.	pH	EC mmhos/cm	Eff/Calc.
Field Composite	1'	529	2970	12.8	2.1	17.1	2.6	1.6%	7.7	3.56	Yes

CONSULTANTS		Yakima, WA 98	Web agrim	Pas: (509) 5 gLoom		State of	11110	F	ert	ilit	y R	ep	ort	
George DeR	uyter 8	Sons	(Y281	)							22	235		F13-0561
Field: GDS	1.5 0 0 0 0 0		A.W.200 (1999)		cres:	34.6			San	nple L	Date:	10/14	/2013	7577
Crop: Tritic	ale-Silar	e Com		h	rigation:	Center	Pivo	2		ous C		2013	Alfalfa	
crop.		8							Cur	rent C	rop:	2014	Triticale-S	ilage Com
Soil series:	Warde	en silt loa	m		Leach I	Hazard:	Low	li.	N	o. of S	ites:	30		
Copography:	Split b	y swale,	gently a	undulatin	1g			Avg S	ampli	ng De	pth:	2.9		
Restrictive laye	7? Y	Where	? Some	rocks a	nd hard p	an.								
Residue Incorp	? N	Type?	Light	to mode	rate crown	ns.								
al	falfa was	s at 1-3"	tall. Th	ne soil su	site. The urface was /ith grassy	s dry. W	/eeds	pling de were r	epth w minima	as at al, son	34". Al ne dar	t the ti idelior	me of sa 1. The so	impling th oil was ve
u					- /11- /-	-1	ch /	Saluh	le Ra	ene la	ment	1000	) Other	Data
G		ppm M	obile l	utrien	cs (IDS/a	C) EX	cn. /	30100	No De	ses (	mey/	roog	/ Cure	Dute
Sample Area	Depth	ppm M	NO 3	NH 4	Construction of the	B	Ca	Mg	K	Na	T.B.		C VolWt	

Comments: Residual nitrates are moderate to high. Ammonium is at equilibrium. Sulfur and boron are plenty high. Sodium is only slightly elevated.

4.3

2'

3'

Field Composite

Field Composite

28

27

Totals:

96

92

272

3

160

		Immo	bile	Nutr	ients	(ppr	n)	Chemica	l Data	,	
Sample Area	Depth	P Piece	K	Zn	Mn	Fe	Си	O.M.	pH	EC mmhos/cm	Eff/Calc.
Field Composite	1'	150	800	8.5	2.5	26	2.0	2.4%	7.5	1.05	Yes
Comments: T	he soil	PKa	nd Z	n are	plenty	hiah	Mn	is low, while	Fe ar	nd Cu are adequate.	Organic matter is

Comments: The soil P, K, and Zn are plenty high. Mn is low, while Fe and Cu are adequate. Organic matter is above average. The soil pH is moderately alkaline, while salts are slightly elevated.

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

1.25

1.25 50%

40%

	-1		Web: agring	p.com				ŀ	ert	ilit	y R	epo	ort	
George DeF	Ruyter &	& Sons	(Y281	)										F13-056
Field: GDS	S-SU-10			A	cres:	38.5			San	nple L	ate:	10/15/	2013	757
Crop: Alfai	fa			7	rigation.	· Cent	er nivot		Previ	ious C	rop:	2013	Triticale-S	lage com
Crop: And					rigation		or piror			rent C		2014	Alfalfa	
Soil series:	Ward	en silt lo	am		Leach	Hazar	d: Low		Ne	o. of S	ites:	25		
Topography:	Genth	y undula	ating			0-010170300		Avg S		2 . T		3.0		
Restrictive lay	er? Y	When	e? Scatte	ared con	npacted z	rones a	at 26-36		100000		1997-1903			
				576 <u>8</u> 0 66	rate resid			,	10.015					
Residue Incor	889	Type	main	to mode	Tere reere									
Comments: §	sampled	a three	foot field	l compo	eita Poe	t hanve	et Vor	v light	eratte	neri ea	ite on t	the su	face	iaht to
		weeds	. Genera	ally good	site. Pos I stalk dia ts (Ibs/a	meter.				2_1122			-	
ſ	noderate	ppm	. Genera Mobile I	ally good N <i>utrien</i>	i stalk dia <b>ts (Ibs/a</b>	ameter. ac)				2_1122		100g)	-	Data
r Sample Area		weeds	. Genera	ally good	i stalk dia <b>ts (Ibs/a</b>	meter.	Exch. /			ses (I	meq/:	100g)	Other	Data %AW
r Sample Area Field Composite	noderate	ppm <u>NO</u> 3	. Genera Mobile I NO 3	NH 4	ts (Ibs/a	ameter. ac) B	Exch. / Ca	Solub <u>Mg</u>	ie Ba K	ses (I	meq/: <u>T.B.</u>	100g)	Other VolWt	Data %AW 5 75%
r Sample Area Field Composite Field Composite	noderate	ppm NO 49	. Generation Generation Mobile I	NH 4	ts (Ibs/a	ameter. ac) B	Exch. / Ca	Solub <u>Mg</u>	ie Ba K	ses (I	meq/: <u>T.B.</u>	100g)	Other C VolWt 1.2	Data %AW 5 75% 5 74%
r Sample Area Field Composite Field Composite	noderate	weeds <i>ppm</i> <u>NO</u> 49 38	. Genera Mobile / NO ; 167 128	NH 4	ts (Ibs/a	ameter. ac) B	Exch. / Ca	Solub <u>Mg</u>	ie Ba K	ses (I	meq/: <u>T.B.</u>	100g)	Other C VolWt 1.2 1.2	Data %AW 5 75% 5 74%
Field Composite Field Composite Field Composite Field Composite	noderate <u> <i>Depth</i></u> 1' 2' 3' The resid	ppm NO y 49 38 22 Totals:	. General Mobile / NO 3 167 128 74 369	Ally good Nutrien NH 4 2 2 high. Ar	stalk dia ts (Ibs/a <u>SO 4</u> 153	2.2	Exch. / <u>Ca</u> 19.80	Solub <u>Mg</u> 3.00	ele Ba <u>K</u> 1.85	ses (1 <u>Na</u> 0.69	<b>T.B.</b> 25.34	100g) <u>CEC</u>	Other 1.2 1.2 1.2	<b>Data</b> <b>%AW</b> 5 75% 5 74% 5 72%
Field Composite Field Composite Field Composite Field Composite	noderate <u>Depth</u> 1' 2' 3' The resid Sodium is	ppm <u>NO</u> j 49 38 22 Totals: lual nitra s slight	. General Mobile I <u>NO 3</u> 167 128 74 369 ates are	Ally good Nutrien NH 4 2 2 high. Ar d.	d stalk dia <i>ts (Ibs/a</i> <u>SO 4</u> 153 153 nmonium	ameter. B 2.2 2.2 is in e	Exch. / <u>Ca</u> 19.80	<i>Solub</i> <u><i>Mg</i></u> 3.00	ele Ba <u>K</u> 1.85	ses (1 <u>Na</u> 0.69	<b>T.B.</b> 25.34	100g) <u>CEC</u>	Other 1.2 1.2 1.2	<b>Data</b> <b>%AW</b> 5 75% 5 74% 5 72%
Sample Area Field Composite Field Composite Field Composite	noderate <u>Depth</u> 1' 2' 3' The resid Sodium is	ppm <u>NO</u> j 49 38 22 Totals: lual nitra s slight	. Generi Mobile I <u>NO 3</u> 167 128 74 369 ates are l y elevate	Ally good Nutrien <u>NH 4</u> 2 high. Ar d.	d stalk dia <i>ts (Ibs/a</i> <u>SO 4</u> 153 153 nmonium	ameter. B 2.2 2.2 1 is in e Cher	Exch. / <u>Ca</u> 19.80 equilibriu mical D	Solut <u>Mg</u> 3.00 im. Su	ele Ba <u>K</u> 1.85	ses (/ <u>Na</u> 0.69	<b><i>T.B.</i></b> 25.34 high,	100g) <u>CEC</u>	C VolWt 1.2 1.2 1.2 0ron is s	Data %AW 5 75% 5 74% 5 72%

Comments: The soil P, K, and Zn are plenty high. Mn and Fe are low, while Cu is sufficient. Organic matter is above average. Soil pH is moderately alkaline, while salts are favorably lower.

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

CONSULTANTS	_		Web, agrins	gLoom					Fer	tilit	y R	epo	ort	
George DeF	Ruyter	& Sons	(Y281	)										F13-05
Field: GDS	S-SU-11			<u></u>	Acres:		8.1		Sa	mple 1	Date:	10/16/2	2013	75
Crop: Alfa	lfa				Irriga	tion:	Wheel lin	e		ious C rent C	1.1.1.1.1.1.1	2013 1 2014 /	'riticale-Sı Vifalfa	udan gras
Soil series:	Ward	en silt lo	am		Le	ach l	Hazard: L	wo	Δ	o. of S	ites:	18		
Topography:		900-9419-03			930				g Samp	Sec. 201		2.7		
Restrictive lay	er? Y	When	2 Scatt	ered an	eas of	mod	erately to a					67.187.52	0-36" ra	nae
Residue Incor	- 20 - 21 - E	54 54	57263239	Sudan			and the state of t	grand	any our					
		1000					harvest.	Alfalfa	planted.	Scatte	ered ar	eas of	light salt	ts on th
Comments:		a three		d comp	osite.	Post			planted. <i>luble Bi</i>	122511	00.000.00		-785.000	
Comments: §	Sampled	a three	foot field	d comp Nutrie/	osite. nts (II	Post	c) Exch	. / So		122511	00.000.00	100g)	-785.000	Data
Comments: §	Sampled surface.	a three	foot field	d comp	osite. nts (II	Post	c) Exch	./So Ca M	luble Bi	ises (	meq/	100g)	Other	Data %AW
Comments: s s Sample Area Field Composite	Sampled surface.	a three	foot field	d comp Nutries <u>NH 4</u>	osite. nts (II SO	Post	c) Exch B (	./So Ca M	luble Bi Ig K	ses ( Na	meq/. T.B.	100g)	Other VolWt	Data %AW 70%
Comments:	Sampled surface. <u>Depth</u>	a three	foot field foolle / <u>NO 3</u> 132	d comp Nutries <u>NH 4</u>	osite. nts (II SO	Post	c) Exch B (	./So Ca M	luble Bi Ig K	ses ( Na	meq/. T.B.	100g)	Other VolWt	Data %AW 5 70% 5 75%
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Comments: Given the scattered soil compaction, it is recommended that you could do some ripping. Ripping is best done when the soil profile is slightly moist (as post harvest in the fall).

Fertility and chemical data used here to formulate a recommendation was processed and reported by Soil Test, Inc., and Agrimanagement, Inc. soil lab for deep profile nitrates.

#### Attachment 4:

#### WSDA Public Records Request January 2022



WA Department of Agriculture Public Records Request about a month ago R002625-110621 I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges." Status : No Records Exist

🛔 Mrs. Jean Mendoza

#### Dear Mrs. Jean Mendoza.

The Washington State Department of Agriculture received a public records request from you on November 06, 2021. Your request mentioned:

#### "Dear Public Records Officer:

Pursuant to the WA State Public Records Act RCW §§ 42.56.001 to 42.56.904. I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges."

If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. If WSDA contends that any responsive material is exempt from disclosure, please provide a redaction log containing a description of each redaction or document withheld, the statutory basis for each redaction or withholding, and an explanation sufficient for us to ascertain the applicability of each claimed exemption (e.g. a summary of the document's contents, the date of its creation, the parties who participated in drafting it, the parties to whom it was disseminated, etc.). RCW § 42.56.210(3): WAC 44-14-04004(4)(b)(ii): PAWS v. Univ. of Wash., 125 Wn.2d 243, 270-71 (1994).

If the cost would be greater than \$50.00, please notify me. Please provide a receipt indicating the charges for each document.

As provided by the open records law, I will expect your response within five (5) business days of the date of this request. RCW § 42.56.520.

Thank you for your assistance."

We have searched the department's records and found no records which respond to your request.

This completes my response. I have closed this request,

If you have any questions, please feel free to contact me at 360-902-1935.

Sincerely,

Pamela Potwin Public Records Officer 360-902-1935

#### WA Ecology Public Records Request January 2022

#### P008198-110621

Dear Public Records Officer: Pursuant to the WA State Public Records Act RCW §§ 42.56.001 to 42.56.904, I write to request access to, and copies of all best management practices for dairies that have been officially approved by the WA State Dept. of Ecology and the WA State Dept. of Agriculture, from Jan. 1, 1990, to the present. I request copies of any best management practices that approve composting animal waste in the pens and corrals where dairy cows live. Best management practices are defined in WAC 173-201A-020 as "physical, structural, and/or managerial practices approved by the department that, when used

singularly or in combination, prevent or reduce pollutant discharges." If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address. If Ecology contends that any responsive material is exempt from disclosure, please provide a redaction log containing a description of each redaction or document withheld, the statutory basis for each redaction or withholding, and an explanation sufficient for us to ascertain the applicability of each claimed exemption (e.g. a summary of the document's contents, the date of its creation, the parties who participated in drafting it, the parties to whom it was disseminated, etc.). RCW § 42.56.210(3); WAC 44-14-04004(4)(b)(ii); PAWS v. Univ. of Wash., 125 Wn.2d 243, 270-71 (1994). If the cost would be greater than \$50.00, please notify me. Please provide a receipt indicating the charges for each document. As provided by the open records law, I will expect your response within five (5) business days of the date of this request. RCW § 42.56.520. Thank you for your assistance.

Status : No Responsive Records

#### May 2, 2022

Subject: Comments on Proposed Animal Waste Rule, WAC 246-203-130

Dear Washington Board of Health,

The proposed domestic animal waste rule is unnecessary and redundant. Additionally, as written, it has the potential to impact operations that are not creating a nuisance or public health hazard and expose them to complaints and enforcement by people unfamiliar with agriculture operations and best management practices.

Washington State already has the authority to investigate and remediate water pollution through WAC 90.48. Under this WAC Department of Ecology has "...the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington." Under WAC 173-201A, Department of Ecology has the authority to set water quality standards and take actions to prevent degradation.

RCW 90.72 Shellfish Protection Districts gives counties the authority to create shellfish protection districts and programs to address water pollution where water pollution threatens the water quality of shellfish growing areas. RCW 90.72 states, "This program shall include any elements deemed appropriate to deal with the nonpoint pollution threatening water quality over shellfish tidelands, including, but not limited to, requiring the elimination or decrease of contaminants in stormwater runoff, establishing monitoring, inspection, and repair elements to ensure that on-site sewage systems are adequately maintained and working properly, assuring that animal grazing and manure management practices are consistent with best management practices (*emphasis added*), and establishing educational and public involvement programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution."

Under RCW 70.05 individual counties already have the authority to adopt rules to address public health issues within their jurisdictions. The health officer has the power to, among others, take action to maintain health and sanitation supervision over the territory within his or her jurisdiction and prevent, control or abate nuisances which are detrimental to the public health which is the stated purpose of the proposed rule.

Finally, USDA Natural Resources Conservation Service has established best management practices (BMPs) for all aspects of agriculture, including livestock keeping and manure management. They and the local Conservation Districts across the state have education and financial programs to help land owners and livestock owners implement best management practices. The proposed rule as written does not mention or consider BMP's and has the potential to impact operations that are not creating a nuisance or public health hazard and those that are already using BMP's advocated by the expert agricultural agencies.

I urge you to postpone the draft proposal from the June hearing, and form a work group/task force of stakeholders and agriculture experts to consider the issue and concerns.

Thank you.

Susan Davis Thurston County Resident and Livestock Owner



Mr. Stuart Glasoe Washington State Board of Health 111 Israel Rd. SE Tumwater, WA 98501 Via email to: <u>stuart.glasoe@sboh.wa.gov</u> Also submitted to: <u>WSBOHProposedAnimalWasteRule@sboh.wa.gov</u>

May 2, 2022

#### Re: 2022 Draft Rule Revisions, WAC 246-203-130 Keeping of Animals

Dear Mr. Glasoe:

Puget Soundkeeper Alliance (Soundkeeper) is a 501(c)(3) non-profit environmental organization, with a mission to protect and enhance the waters of Puget Sound for the health and restoration of our aquatic ecosystems and the communities that depend on them. Founded in 1984, Soundkeeper was a founding member of the international Waterkeeper Alliance and today has more than 8,000 members, supporters and volunteers who use and enjoy Puget Sound's marine waters and freshwater tributaries, for commercial, general recreational and aesthetic purposes. At least 176 of our supporters are known to live in communities with permitted Concentrated Animal Feeding Operation (CAFO) facilities; hundreds more live in communities with unpermitted agricultural operations.

Our constituents, and thousands of residents throughout the State of Washington, are at risk due to the failure of our State's regulatory agencies to protect against the public health and environmental harms caused by the keeping of animals. The Board of Health has a unique authority and responsibility to "assure safe and reliable public drinking water and to protect the public health" (RCW 43.20.050 (2)(a)), as well as to "adopt rules and standards for prevention, control, and abatement of health hazards and nuisance related to the disposal of human and animal excreta and animal remains" (RCW 43.20.050 (2)(c)), and to "adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule." (RCW 43.20.050 (2)(f).

We oppose the Washington State Board of Board of Health's (hereinafter "the Board's") draft rule revisions to WAC 246-203-130 (the "Rule"). We oppose the narrowing of the title and scope of the Rule from "Keeping of Animals" to "Domestic Animal Waste" as we disagree with the premise that the Board's unique authority is best suited to local regulation of smaller-scale activities and practices around animal waste alone. We are also concerned that the proposed revisions dramatically weaken existing public health and nuisance protections; fail to set adequate minimum standards to protect the public health from various risks associated with the

keeping of animals; and completely disregard the real and existential public health threat of climate change – a threat that can be exacerbated by the keeping of animals and, in particular, by industrial farm operations – or the environmental justice implications of the Rule.

### 1) The Board's regulatory authority and responsibility extends beyond managing animal waste.

The original Rule, entitled "Keeping of Animals", was broader than the newly proposed title of "Domestic Animal Waste." In its Background and Policy Recommendations document,<sup>1</sup> ("Backgrounder") without sufficient explanation or supportive rationale, the Board recommends that "the rule should focus on practices involving the handling, storage, and disposal of livestock manure and other domestic animal waste generated on site (not off-site manure transport and use) that present a clear health, sanitation, or nuisance problem." (at 25). We disagree.

Keeping animals can produce dust, odors, haze, and noise; contribute to the spread of disease from both direct and indirect contact with animals and their waste; contaminate soils; contaminate drinking water, groundwater, and surface water; and contribute to climate change through the emissions of greenhouse gasses. These constitute public health hazards and nuisances. Air pollution, water pollution, drinking water contamination, disease, sickness, and disturbances caused by the keeping of animals results in diminished quality of health and life for those affected. The Board documents these risks and more over seven pages in its Backgrounder with more than 100 unique research articles on topics, but then fails to address most of these hazards in the draft revisions.

We object to the narrowing of the title to "Domestic Animal Waste", as an abdication of the Board's responsibility to protect the public health from the aforementioned health hazards and nuisances that may be unrelated to the management of animal waste alone. We also see no justification for excluding off-site manure transport and use from regulation, as the hazards and public health implications of animal waste do not simply disappear as it crosses a property line. We encourage the Board to leave the Rule title as-is, and to assess and regulate the health hazards and nuisance impacts of activities including but not limited to feeding, watering, housing, and transporting animals as well as their waste, to protect communities and public health.

### 2) The draft Rule revisions dramatically weaken or entirely removes existing public health and nuisance protections.

The Washington State legislature has directed the Board to regulate the storage of animal waste to protect human health. RCW 43.20.050 (2)(c)). The current Keeping of Animals rule reads as follows:

WAC 246-203-130 Keeping of animals.

<sup>&</sup>lt;sup>1</sup> Keeping of Animals Background and Policy Recommendations of the Washington State Board of Health

- (1) Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.
- (2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.
- (3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.

The draft revisions strike all of this language. In so doing, the Board proposes to dramatically scale back current requirements by:

- eliminating broad public protections against nuisances caused by the keeping or sheltering of animals (current section 1) and replacing them with protections limited to animal waste (draft section 1)
- eliminating strong stable waste collection, storage, and removal requirements (current section 2) and replacing them with vague and poorly defined requirements to collect animal waste containment areas (draft section 3a)
- striking strong and broad public health protections for drinking water (current section 3),

We object to the elimination of language in current sections 1-3 of the Rule. Rather than backsliding, the Board should build on these foundational protections, implementing clear minimum standards to ensure the intent of these protections is assured in light of modern-day animal-keeping practices and the extensive data on the nature and scope of the problems it causes - as documented in the Board's Backgrounder.

#### 3) The draft revisions lack strong minimum standards to protect the public health.

The Board should build on the existing regulations to create stronger minimum standards to protect the public health and prevent nuisances. For example, the Board could keep existing sections 1 and 3 intact and expand section 2 to:

- articulate a more frequent waste removal requirement during the rainy season between October to April
- include all manure (not just "stable" manure, but any manure on any part of the premises)
- expand beyond "populous districts" to all districts, including "isolated premises"

Rural communities can be equally if not more susceptible to the public health risks posed by the keeping of animals.

The draft revisions lay out several requirements for livestock waste stockpiling in a new section (3(d)) excluding waste that is being composted and waste being stored in a lagoon. First, should the Board modify the existing Rule to authorize livestock waste stockpiling when the number of animals or quantity of waste renders it infeasible to cover and store the waste in an airtight container prior to removal (factory farms were likely not envisioned when the original Rule was promulgated in 1936), the Board should articulate which types of livestock operations are authorized to stockpile waste (how many animals, what size footprint, or how much waste?) and which types should continue the practice of keeping the waste in covered, airtight containers with requirements to periodically dispose of the waste.

Second, the Board should outline clear, science-based and appropriately tailored standards for the management of livestock waste by different operations that stockpile waste, adjusted to account for the size and type of operation (cattle, chicken, horse, etc.), the type of waste (liquid vs. solid), and site conditions (slope, soil-type, vegetation type and density, underground geology, hydrological features, etc.). A mature milk cow produces over 120 pounds of liquid feces and urine every day, whereas a horse produces 50 pounds of solid manure a day. The differences in consistency, chemical content, and quantity compounds with each additional animal, which surely necessitates different levels of protections for the public health.

Third, we are aware of no scientific basis why waste being composted or stored in a lagoon shouldn't also be managed as stringently – if not more stringently – than other stockpiles of waste. In fact, liquid manure being stored in a lagoon likely requires far more protections for the public health (greater setbacks from water sources, requirements to be stored in areas with a higher groundwater table, etc.). It is well known that lagoons leak.



image of manure lagoon



image of manure gun © USGS

The practices of storing excess livestock manure in large manure lagoons; transferring or selling livestock manure to third parties for use as fertilizer; and applying manure to fields as fertilizer (by both animal keepers and third parties – and often with a large "gun" or cannon that shoots the liquid waste over fields in a vast spray) are three modern practices that harm the public health and have harmed drinking water in Washington. The Board has failed to address these practices whatsoever, despite its clear regulatory mandate and authority to protect public drinking water. The Board should issue a new draft Rule outlining requirements to protect the public health from these three practices, which pose real and dangerous consequence to our public drinking water supplies – as well as air quality.

Finally, airborne disease, dust and odors from the keeping of animals also pose public health hazards and nuisance risks that are not sufficiently covered in the draft revisions. Other than setbacks from certain water sources and a requirement to store stockpiled waste so as to control odors and attraction of flies, rodents, and other vectors," (presumably, disease vectors?) the draft revision lacks any clear standards or requirements to protect the public from dust, disease, or odors, which may emanate from livestock themselves or from feeding or other areas. The Board should include requirements to control dust and odors from other areas of farm operations that pose a risk to public health.

### 4) The Board should consider climate impacts to public health from the keeping of animals, and the environmental justice impacts of the draft revisions.

Board mentions climate change in its Backgrounder just once, and not again. A deeper assessment of the climate impacts caused by the keeping of animals in Washington is both necessary and appropriate. The U.S. Environmental Protection Agency (EPA) estimated that agriculture contributed 11% of the United States' greenhouse gas (GhG) emissions in 2020<sup>2</sup>; the Washington State Department of Ecology attributed 15% of Washington's GhG emissions in 2017 to agriculture, industry, landfills, and fossil fuel production.<sup>3</sup> Climate change has already resulted in more frequent and intense droughts, wildfires, dust storms, erosion, and floods in Washington; reduced glacial snowpack feeding our rivers and streams; acidification of the ocean and Puget Sound, and sea level rise threatens our coasts, wetlands and aquifers.

The Board is in a unique position to address the impacts of climate change on public health for the first time since the Rule was last substantively revised in 1936. With rule revisions coming so infrequently, now is the time to consider how the keeping of animals could – and must - be better managed to prevent or reduce climate impacts to communities throughout the State of Washington, consistent with Washington State's commitment to reducing GhG emissions to 45% below 1990 levels by 2030, 70% below 1990 levels by 2040, and 95% below 1990 levels and net zero emissions by 2050.

It is well known that the impacts of climate change hit communities of color and low-income communities first and hardest. While the Board of Health is not listed as one of the seven agencies required to comply with the <u>HEAL Act</u>; the Departments of Health, Agriculture and Ecology are. We encourage the Board of Health to coordinate with these sister organizations and opt in under the HEAL Act. Because of the strong environmental justice considerations implicated for rural and frontline communities by this Rule and any revisions to it, we also strongly urge the Board to conduct deeper community outreach and engagement around proposed Rule revisions with those whose health, lives, and families are most at risk from the Board's decision-making.

#### 5) Additional concerns:

The Board should not limit "nuisance" to acts or omissions that harm, endanger, or interfere with the health or safety of another person. Such a definition is restrictively narrow and not reflective of current nuisance law. RCW 7.48 defines an actionable nuisance to include: "an obstruction to the free use of property, so as to essentially interfere with the comfortable enjoyment of the life and property, is a nuisance and the subject of an action for damages and other and further relief." We support the adoption of this definition within the Keeping of Animals rule.

We support the inclusion of a section regarding enforcement. The Rule is and should be enforceable, and language should be added to articulate when enforcement will occur. The public

<sup>&</sup>lt;sup>2</sup> Sources of Greenhouse Gas Emissions | US EPA

<sup>&</sup>lt;sup>3</sup> Improving air quality & public health - Washington State Department of Ecology

deserves concrete assurance that documented nuisances and public health hazards will be abated within a certain amount of time.

While we do not agree with all recommendations outlined in the Backgrounder, we do agree with the recommendation to develop a practical, purposeful rule, by "defining the type and scale of regulated activities; steps and standards defining and documenting health hazards and nuisance; technical standards and practices to prevent and remedy problems; technical assistance and referral procedures; methods for property access, compliance, and enforcement." We feel the current draft revisions fall short.

Thank you for accepting and considering these comments. We hope that the Board adopts our suggestions to improve upon the draft revision and better protect public health in Washington. We look forward to working with you.

Sincerely,

Alyssa Barton Policy Manager Puget Soundkeeper Alliance



#### Washington State Legislature

April 27, 2022

Washington State Board of Health PO Box 47900 Olympia, WA 98504-7990 (360) 236-4110

RE: Keeping of Animals Rule

Dear Members of the Board of Health,

We have been working with staff to review the amendments to WAC 246-203-130 related to animal waste. We would like to offer some criticisms and suggestions.

First, we do not believe this rule change is necessary. We understand that the original rule was written long ago and in a very different world. However, these changes to this rule are overly burdensome and overly complex. The Department of Agriculture already does rulemaking regarding manure or nutrient management for large operations such as CAFOs or dairies in WAC 16-25 and 16-611. Additionally, RCW 7.48.305 exempts agricultural activities from regulations regarding noise and odor. This Rule change is out of time and out of place. It does not appear to take into consideration existing rules and regulations from other agencies.

Many counties, especially in Eastern Washington, have Right to Farm ordinances. The application of this new rule, if it goes forward, has the likelihood of placing rural people with animals in a position where they believe they are exempt from these rules and yet, they end up receiving needless complaints and potential prosecution. The rule is unclear where it applies. It would be better if this rule applied only within urban areas to carnivorous domestic animals. Including livestock creates complications that should be handled by the Washington Department of Agriculture, not the Department of Health. Pets such as cats and dogs have different manure than livestock animals like cattle and horses. The rule should address these differences.

The rule is unclear if it applies to all operations, whether commercial or private, urban or rural, and regardless of size. This places agricultural businesses at risk, especially as more urban people move into rural areas without having an effective understanding of best agricultural management practices. There is a higher risk to public health in urban areas from pet excreta such as cats and dogs. This is a very different issue than rural areas where there may be a few livestock animals on a couple acres or an actual livestock operation that is managed by the



#### Washington State Legislature

Department of Agriculture. This rule is overly broad and vague and open for abuse in a world where agriculture is continuously under attack by urbanites who do not appreciate or understand the rural way of life.

The local board of health is made of people from the community who better understand the community's needs. We acknowledge that there are bad actors who are creating actual problems. However, the details of such a rule as this should be determined by the local board of health in ways that align with local values and interests.

Finally, if there is to be an update of this rule, we ask that there be a broader stakeholder discussion. The Board has shown its willingness to be responsive to sticky problems such as this and incorporate a broader constituency into the conversation. This discussion should include nutrient management experts, agricultural interests as well as municipal interests, commercial pet operations, small scale farmers, local boards of health, as well as recreational groups like the Backcountry Horsemen and Women. This rule was rewritten from a narrow perspective without considering the wide-ranging consequences. Please reconsider your changes or, at a minimum, allow for a broad discussion about the formulation of a new rule.

Senator John Braun Senate Republican Leader 20th Legislative District

Jury Warnet

Senator Judy Warnick Senate Republican Caucus Chair 13th Legislative District

Jim Honey ford

Senator Jim Honeyford 15th Legislative District

Deelly Doof

Senator Shelly Short Senate Republican Floor Leader 7th Legislative District

Mark I. Khoesles

Senator Mark Schoesler 9th Legislative District



Washington State Legislature

Senator Curtis King

14th Legislative District

Senator Phil Fortunato 31st Legislative district

CC: Keith Grellner, RS, Chair

Bob Lutz, MD, MPH

Stephen Kutz

Elisabeth L. Crawford

Umair A. Shah, MD, MPH

Temple Lentz

Patty Hayes

Melinda Flores

Socia Love

Kelly Oshiro



May 2, 2022

Washington State Board of Health PO Box 47990 Olympia, WA 98504-7990

Dear WA State BOH,

We are the Friends of Toppenish Creek from Yakima County.

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.

Regarding the draft rule WAC 246-203-130, please consider this strong objection. As written WAC 246-203-130 allows a CAFO dairy in Washington state to build a million gallon manure lagoon right next to a neighbor's home or well without consequences. Here is an explanation of how the draft rule condones such an assault on human health:

Draft WAC 246-203-130, section 3 says:

(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Except for free-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must:

(d) Handle domestic animal waste from livestock that is <u>collected and stockpiled</u> for later use or disposal as follows:

(i) Store the waste to control odors and attraction of flies, rodents, and other vectors;

(ii) Store the waste no longer than one year; and

(iii) Site the stockpile:

(A) One hundred feet or more from a drinking water well;

(B) Two hundred feet or more from a public drinking water spring;

(C) Outside the sanitary control area of a public Irinking water source if different from the areas set forth in (d)(iii)(A) and (B) of this subsection;

(D) One hundred feet or more from a surface water body unless:

(I) The surface water body is upgradient or is protected by a levee or other physical barrier; or

(II) The surface water body is protected by one or more control or treatment practices that capture and prevent leachate. Practices include, but are not limited to, storage pads, covers, storage structures, and filter strips; and

(E) Outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

This appears to create strong protections for public health.

But look closer - there is a huge loophole in the proposed rule.

WAC 246-203-130, section 2 (j) says: "Stockpiling" means the temporary piling of domestic animal waste from livestock prior to use or disposal. <u>Stockpiling does not include active composting or lagoon storage of domestic animal waste from livestock.</u>

This more than wrong. This is a gift to the powerful interests that inflict morbidity and mortality on WA citizens by managing manure in ways that place profit above human health.

Unless the BOH can prove that a million gallon manure lagoon next to a family home does not damage the family's health, unless the BOH can prove that tossing manure into the ambient air to compost it does not damage the health of entire neighborhoods, then this loophole must, in all good conscience, be closed.

Sincerely, kan Mendeza

Jean Mendoza

Executive Director, Friends of Toppenish Creek 3142 Signal Peak Road White Swan, WA 98952 AMENDATORY SECTION (Amending WSR 91-02-051, filed 12/27/90, effective 1/31/91)

#### WAC 246-203-130 ((Keeping of animals.)) Domestic animal waste.

((<del>(1)</del> Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.

(2) In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.

(3) Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.)) (1) A person may not keep or shelter animals in such a manner that the domestic animal waste creates a nuisance or health hazard. The purpose of this section is to establish standards for the prevention, control, and abatement of health hazards and nuisance detrimental to human health related to the disposal of domestic animal waste, including handling and storage of domestic animal waste, as described in subsection (3) of this section.

(2) The following definitions apply throughout this section unless the context clearly indicates otherwise.

(a) "Containment area" means an area where domestic animals are held, housed, or kept for a period of time and includes, but is not limited to, stables, corrals, confinement areas, kennels, pens, and yards.

(b) "Domestic animal" means an animal domesticated to live and breed in a tame condition under the care of humans. Domestic animal includes livestock and nonlivestock such as dogs and cats.

(c) "Domestic animal waste" means excreta from a domestic animal and includes associated wash water, feed, and bedding soiled with the excreta.

(d) "Health hazard" includes any organism, chemical, condition, or circumstance that poses a direct and immediate risk to human health.

(e) "Livestock" means domestic animals raised for use or for profit, especially on a farm, and includes horses, mules, donkeys,

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cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, and game birds.

(f) "Local health officer" means the legally qualified physician appointed as a health officer pursuant to chapter 70.05, 70.08, or 70.46 RCW, or an authorized representative.

(g) "Nuisance" includes an act or omission that harms, endangers, or interferes with the health or safety of another person.

(h) "Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities.

(i) "Sanitary" means of or relating to conditions that affect hygiene and health, especially relating to cleanliness and other precautions against disease.

(j) "Stockpiling" means the temporary piling of domestic animal waste from livestock prior to use or disposal. Stockpiling does not include active composting or lagoon storage of domestic animal waste from livestock.

(k) "Surface water" means a body of water open to the atmosphere and subject to surface runoff including, but not limited to, lakes, ponds, streams, rivers, and marine waters.

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(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Except for free\_rangeopen\_range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must:

(a) Collect domestic animal waste at intervals sufficient to maintain sanitary conditions in containment areas;

(b) Handle domestic animal waste to prevent deposition, leaching, and runoff to:

(i) Another person's property;

(ii) Drinking water sources; and

(iii) Surface water bodies used for swimming, shellfish harvesting, or other activity with potential to affect human health;

(c) Handle domestic animal waste from nonlivestock as follows so that the waste is not stockpiled:

(i) Hold the waste in a watertight container if stored for more than one day prior to proper disposal; and

(ii) Bag and dispose of the waste as solid waste, unless waste is composted by a regulated compost facility per WAC 173-350-220; and

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[ 4 ] NOT FOR FILING OTS-2840.3

(d) Handle domestic animal waste from livestock that is collected and stockpiled for later use or disposal as follows:

(i) Store the waste to control odors and attraction of flies, rodents, and other vectorsApply control measures as reasonable to minimize and reduce odors and attraction of flies and rodents;

(ii) Store the waste no longer than one year; and

(iii) Site the stockpile:

(A) One hundred feet or more from a drinking water well;

(B) Two hundred feet or more from a public drinking water spring;

(C) Outside the sanitary control area of a public drinking water source if different from the areas set forth in (d)(iii)(A) and (B) of this subsection;

(D) One hundred feet or more from a surface water body unless:

(I) The surface water body is upgradient or is protected by a levee or other physical barrier; or

(II) The surface water body is protected by one or more control or treatment practices that capture and prevent leachate. Practices include, but are not limited to, storage pads, covers, storage structures, and filter strips; and

(E) Outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

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(4) The local health officer may investigate and enforce this section. Enforcement actions may include any proceeding within the local health officer's statutory authority. Before taking enforcement action the local health officer must attempt to communicate with the person who may be in violation of this section in order to explore the facts and, if the local health officer determines that a violation has occurred, seek voluntary compliance by education and allow the person reasonable time to correct the violation.

[Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-203-130, filed 12/27/90, effective 1/31/91; Regulation .50.130, effective 3/11/60.]

#### Recommended Amendments to Proposed Rule: WAC 246-203-130, Keeping of Animals

#### Exempt diffuse sources:

WAC 246-203-130(3) Unless a standard is superseded by a more stringent standard in federal, state, or municipal law, a person must meet the following standards in order to help prevent, control, and abate nuisance and health hazards related to the disposal of domestic animal waste. Except for free range grazing open-range grazing, livestock trails, trail riding, and other diffuse sources of domestic animal waste, a person must: [...]

#### Non-livestock waste disposal:

WAC 246-203-130(3)(c) Handle domestic animal waste from nonlivestock as follows so that the waste is not stockpiled:

- (i) Hold the waste in a watertight container if stored for more than one day prior to proper disposal; and
- (ii) Bag and dispose of the waste as solid waste, <u>unless waste is composted by a regulated</u> <u>compost facility per WAC 173-350-220</u>; and [...]

#### Odor/pest control of stockpiles:

WAC 246-203-130(3)(d) Handle domestic animal waste from livestock that is collected and stockpiled for later use or disposal as follows:

(i) Store the waste to control odors and attraction of flies, rodents, and other vectors<u>Apply</u> control measures as reasonable to minimize and reduce odors and attraction of flies and rodents; [...]

#### Enforcement:

WAC 246-203-130(4) The local health officer may investigate and enforce this section. Enforcement actions may include any proceeding within the local health officer's statutory authority. Before taking enforcement action the local health officer must attempt to communicate with the person who may be in violation of this section-in order to explore the facts and, if the local health officer determines that a violation has occurred, <u>seek voluntary</u> <u>compliance by education and</u> allow the person reasonable time to correct the violation.

#### Supporting Rule Analyses:

The proposed standard in WAC 246-203-130(3)(d)(i) mirrors but does not incorporate by reference an existing standard in chapter 173-350 WAC. As a result, the Board incorrectly exempted the proposed standard from the rule analyses. The final Significant Analysis and

SBEIS documents will be edited to correct the mistake and to incorporate a description and analysis of the proposed standard. As needed, staff will make additional corresponding edits to the final documents to accurately incorporate this information and Board action.

### **Significant Legislative Rule Analysis**

### WAC 246-203-130 a Rule Concerning Keeping of Animals

Revising the Section Title to Domestic Animal Waste

March 10, 2022

#### Introduction

The mission of the Washington State Board of Health (Board) is to provide statewide leadership developing and promoting policies that prevent disease and protect and improve public health for all people in Washington. Established by the Washington State Constitution in 1889, the Board plays an important role preventing disease and protecting public health and safety across the state. The Board offers a public forum to engage people in the public health system, develops environmental health and public health and safety rules, and promotes policies to protect and improve the public's health.

Board authority is established in state law (Revised Code of Washington, RCW) covering a wide range of issues such as communicable disease, childhood immunization, prenatal and newborn disease screening, drinking water, food safety, human remains, water recreation, animal waste, and school environmental health and safety. As a policymaking body, the Board adopts rules (Washington Administrative Code, WAC) to administer the law. The Washington State Department of Health and local health jurisdictions/officers implement and enforce Board rules, with authority and roles defined in each rule.

Among other powers and duties, <u>RCW 43.20.050(2)(c)</u> charges the Board with unique responsibility and authority to adopt rules and standards to prevent, control, and abate health hazards and nuisance related to the disposal of animal excreta, or animal waste. <u>WAC 246-203-130</u>, Keeping of Animals, serves as the Board's rule on the handling and disposal of animal waste. Enforcement of the rule rests with local health officers.

The following sections of this analysis describe the intent and effect of the proposed rule—revisions to WAC 246-203-130—along with features of the rulemaking process.

### SECTON 1: Describe the proposed rule, including a brief history of the issue, and explain why the proposed rule is needed.

The purpose of this rulemaking is to modernize <u>WAC 246-203-130</u>, Keeping of Animals, a longstanding Board rule with language dating back to the 1920s and 30s. This rule is one section of Board rules on General Sanitation, <u>chapter 246-203 WAC</u>, covering such issues as nuisance, piggeries, disposal of dead animals, and use of common cup and towel. The chapter was codified as WAC in 1960, followed by administrative recodification in 1991. Despite its unique niche and authority, the rule has not undergone review or revision in recent decades while other related laws and regulations have been enacted, leaving a health and sanitation gap in the state regulatory structure for domestic animal waste.

In 2009, the Board received a petition from the Washington Association of Conservation Districts to amend the rule. The Board denied the specific petition and opted to file a CR-101 Preproposal Statement of Inquiry (<u>WSR 09-17-132</u>) to more broadly update the rule. The

rulemaking stalled and ultimately resumed in 2017. In 2018, Board staff completed a background report<sup>1</sup> to help guide the rulemaking and restarted work on the rule with emphasis on stakeholder outreach, research, and rule writing. In fall 2019, the Board filed a new CR-101, <u>WSR 19-21-018</u>, to better align the rulemaking with Board policy direction. In early 2020, the Board distributed a draft rule for public review, processed the feedback, and revised the draft. In November 2020, staff updated the Board on the rulemaking. The Board directed staff to file a CR-102, Proposed Rulemaking.

Domestic animal waste presents many challenges that are often well-managed by people. However, situations arise where waste accumulates or is mishandled in ways that create a nuisance or health hazard and action is needed to address and correct the problem. The proposed rule establishes minimum standards intended to help prevent, control, and abate health hazards and nuisance associated with the handling and disposal of domestic animal waste. This includes waste from livestock such as horses and cattle, and waste from non-livestock such as dogs and cats.

The proposed rule includes standards to:

- Avoid unsanitary accumulations of waste in containment areas;
- Prevent contamination of other people's property, drinking water sources, and surface water bodies with potential to affect human health;
- Promote safe handling and disposal of non-livestock waste; and
- Promote safe stockpiling of livestock waste.

The proposed rule is not an operational Board rule involving ongoing implementation and frontline regulation of facilities and systems (e.g., Board rules for food establishments, shellfish operations, water recreation facilities, on-site sewage systems, and drinking water systems). Instead, like the companion sanitation rule on disposal of dead animals, <u>WAC 246-203-121</u>, the proposed rule sets animal waste standards for people to follow that may be locally enforced by a local health officer if needed.

The proposed rule aims to focus squarely on domestic animal waste. It intersects other rules and practices associated with solid waste and manure management but largely stops short of waste and beneficial-use streams regulated by other agencies. Due to the narrow focus on animal waste, the rule includes a proposed title change from Keeping of Animals to Domestic Animal Waste to more accurately reflect and carry out Board authority regulating animal excreta.

#### SECTON 2: Is a Significant Analysis required for this rule?

Board staff evaluated the proposed rule and determined that it includes significant provisions subject to requirements of <u>RCW 34.05.328</u>. This proposed rule requires a significant analysis, including analysis of probable costs and benefits in Section Five. The proposed rule modernizes

<sup>&</sup>lt;sup>1</sup> Washington State Board of Health. 2018. <u>Keeping of Animals Background and Policy Recommendations of the Washington State Board of Health for Revising WAC 246-203-130</u>.

the existing rule with contemporary language, standards, and rule structure. The following table lists provisions of the proposed rule the Board determined are non-significant and are exempt from analysis based on RCW 34.05.328(5)(b) and (c).

Rule Provision	Description	Rationale for Determination
WAC 246-203-130(1)	Establishes the purpose and applicability of the rule.	Interpretive language that sets rule structure.
WAC 246-203-130(2)	Establishes the definitions of terms used in the rule.	Interpretive language that sets rule structure.
WAC 246-203-130(3) preface only	Introduces the standards of the rule, defers to more stringent standards in law, and excludes certain diffuse practices.	Interpretive language that sets rule structure and clarifies applicability.
WAC 246-203-130(3)(b)(ii)	Requires the handling of domestic animal waste to prevent contamination of drinking water sources.	This standard revises existing language of the rule, <u>WAC 246-</u> <u>203-130(3)</u> , without changing its effect.
WAC 246-203-130(3)(c)	Introduces the standards of the subdivision and precludes stockpiling non-livestock waste.	Interpretive language that sets rule structure and clarifies applicability.
WAC 246-203-130(3)(d)(i)	For stockpiled livestock waste, requires control of odors and attraction of flies, rodents, and other vectors.	This standard incorporates by reference, without material change, standards/rules of another Washington state agency. It incorporates requirements of the state solid waste rules, <u>chapter 173- 350 WAC</u> , including <u>WAC 173-</u> <u>350-320(6)</u> regulating agricultural waste piles.
WAC 246-203-130(3)(d)(ii)	Limits storage of stockpiled livestock waste to one year.	This standard incorporates by reference, without material change, standards/rules of another Washington state agency. It incorporates a requirement of the state solid waste rules, <u>WAC 173-</u> <u>350-320(2)(2)</u> , limiting the duration of storage of agricultural waste piles to one year.
WAC 246-203-130 (3)(d)(iii)(A)	Requires siting stockpiled livestock waste one hundred feet or more from a drinking water well.	This standard incorporates by reference, without material change, standards/rules of the Board and another Washington state agency. <u>WAC 246-290-135(2)(b)</u> and <u>WAC 246-291-125(5)(b)</u> require a sanitary control area radius of 100 feet from public drinking water wells and <u>WAC 173-160- 171(3)(b)(v)</u> requires a setback of one hundred feet from all wells.
WAC 246-203-130	Requires siting stockpiled livestock	This standard incorporates by

Table 1: Rule subsections, subdivisions, items, and subitems determined to be nonsignificant

(3)(d)(iii)(B)	waste two hundred feet or more from a public drinking water spring.	reference, without material change, standards/rules of the Board. <u>WAC</u> <u>246-290-135(2)(b)</u> , requires a sanitary control area radius of two hundred feet from a public drinking water spring.
WAC 246-203-130 (3)(d)(iii)(C)	Requires siting stockpiled livestock waste outside the sanitary control area of a public drinking water system if larger than the preceding setbacks.	This standard incorporates by reference, without material change, standards/rules of the Board. <u>WAC</u> <u>246-290-135(2)(c)</u> and <u>WAC 246-</u> <u>291-125(5)(c)</u> require a sanitary control area adequate to protect a public drinking water source.
WAC 246-203-130 (3)(d)(iii)(D)(I)	Requires siting stockpiled livestock waste one hundred feet or more from a surface water body unless the surface water body is upgradient or is protected by a levee or other physical barrier	Interpretive language that clarifies that the standard does not apply when surface water bodies are upgradient or protected by a levee or other physical barrier.
WAC 246-203-130(4)	Establishes structure and authority of local health officers to investigate and enforce violations of the rule.	Interpretive language that sets rule structure.

### **SECTON 3:** Clearly state in detail the general goals and specific objectives of the statute that the rule implements.

As described in the background report for this rulemaking, animal waste poses human health and environmental health risks via many exposure pathways, including direct exposure and fecal-oral transmission of disease.<sup>1</sup> Proper handling and disposal of animal waste are long-standing sanitation and public health safeguards.<sup>2,3</sup> <u>RCW 43.20.050(2)(c)</u> charges the Board with unique responsibility and authority to adopt rules and standards to prevent, control, and abate health hazards and nuisance related to the disposal of animal excreta. By extension, animal waste handling is integral to animal waste disposal.

Other state agencies have complementary authority, but no agency shares this core charge to regulate animal waste for the purpose of sanitation, nuisance, and health. <u>WAC 246-203-130</u>, Keeping of Animals, serves as the Board's rule on the handling and disposal of animal waste. With language dating back nearly a century, the rule is overdue for review and revision to address modern needs to safely handle and dispose of animal waste.

The proposed rule complements related state rules that are implemented and enforced by other agencies. For example, the rule brushes up against solid waste and manure management rules, but largely stops short of these waste and beneficial-use streams regulated by other agencies. The

<sup>&</sup>lt;sup>2</sup> World Health Organization. 2018. <u>Guidelines on Sanitation and Health</u>.

<sup>&</sup>lt;sup>3</sup> Penakalapati, G., J Swarthout, M. J. Delahoy, L. McAliley, B. Wodnik, K. Levy, and M. C. Freeman. 2017. Exposure to Animal Feces and Human Health: A Systematic Review and Proposed Research Priorities.

proposed rule establishes expectations and standards for a few key control points at the front end of the waste stream when the waste is first excreted by animals and is first handled by people. Due to the intersection with other rules, the proposed rule incorporates and reinforces established standards of other rules and codes.

# SECTON 4: Explain how the Board determined that the rule is needed to achieve these general goals and specific objectives. Analyze alternatives to rulemaking and the consequences of not adopting the rule.

The existing rule is outdated and little used due mainly to its archaic status. Working in close association with the Washington State Department of Health, the Board is expected to regularly review and update its rules. When faced with the rulemaking petition in 2009, the Board decided to initiate rulemaking and explore ways to modernize the rule rather than to rescind it or to leave it unchanged.

This rulemaking is based on research outlined in the background report evaluating the state/local regulatory structure for animal waste in Washington.<sup>1</sup> The research helped identify needs and guide rulemaking to avoid conflict with requirements in other laws and rules. The rulemaking aimed to fill a unique niche and equip local health officers with an updated tool to address situations where domestic animal waste presents a notable health hazard or nuisance.

The language, standards, and structure of the rule have been modernized to suit the needs of local health jurisdictions and to complement related roles of other agencies on such issues as solid waste management and manure management. The proposed rule is intentionally short and simple, and it incorporates standards of other rules and codes to help bolster regulatory consistency.

As noted above, alternatives to rulemaking would be to leave the existing rule in place or to rescind it. The Board indicated no interest in these options and instead directed staff to modernize its sanitation rule for animal waste. The Board believes it has an obligation to address its unique statutory charge. If not revised, the outdated rule would continue to leave a gap in the regulatory structure administering state law.

The proposed rule updates and establishes much needed structure and basic standards for the safe handling of animal waste. At the same time, the proposed rule substantially narrows the scope of the existing rule to focus more directly on animal waste, not animal keeping. As needed, the proposed rule can be judiciously enforced to address and correct local violations.

# SECTION 5: Explain how the Board determined that the probable benefits of the rule are greater than the probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

This section assesses new incremental costs/benefits of the proposed rule. The rule applies broadly to "person", which is defined in the rule and includes individuals as well as companies, corporations, and other businesses. This analysis includes information from staff research as well as responses to a survey of the proposed rule's cost impact on Washington businesses. This analysis does not take into account already existing practices and the cost of those practices relative to the proposed rule.

#### **Cost Definitions**

Incremental costs are defined as costs that are in addition to costs that already exist. One-time costs are costs that occur only once, such as a one-time purchase of equipment. Annual costs are costs that occur on a recurring basis once per year. Recurrent costs are costs that occur multiple times for a specified interval. Opportunity cost is the potential cost (both monetary and nonmonetary) given up by not selecting an alternative action.

#### **Cost Survey**

The cost survey asked Washington businesses to determine if they face any new costs as a result of this proposed rule and if so to then identify and describe one-time costs and recurring annual costs to comply with the significant standards of the proposed rule. Potential costs include equipment, supplies, material, labor, professional services, increased administration, and other costs.

Board staff twice distributed the cost survey via e-mail to Washington businesses covering 16 North American Industry Classification System (NAICS) codes. The survey went to 800 Washington businesses in the first distribution followed by 1,000 businesses in the second distribution. The second distribution included the original 800 businesses. The survey covered such businesses as horse stables, livestock producers, dog kennels/groomers, animal hospitals, animal breeders, livestock markets, and equestrian centers. The Board posted the cost survey on its rulemaking webpage for a total of six weeks. The Board asked approximately 30 organizations and one state agency to help distribute the survey to raise awareness of the rulemaking and to get broader reach with the survey.

The Board received a total of 41 responses to the cost survey. Cost survey results included 4 businesses that identified cost impacts, 24 businesses that indicated no costs, and 13 businesses with unspecified responses.<sup>4</sup> In summary, 37 of 41 respondents across a number of industries identified no cost impact or provided no cost information. Results of the cost survey were analyzed and included in the section-by-section analysis below.

In addition to survey results described below, one respondent to the survey repeated the following for several proposed standards:

<sup>&</sup>lt;sup>4</sup> Includes responses that did not return the cost survey, did not specify dollar amounts, or provided non-specific comments (e.g. "not sure how it would impact me").

• A cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

The Board was unable to determine whether the respondent was indicating an estimate of overall cost impacts of the proposed rule or cost impacts of individual proposed standards. The Board considered the costs only once in the Significant Analysis and for each relevant standard of the Small Business Economic Impact Statement (SBEIS) but notes that this could be duplication of costs and a potential overestimate of costs to comply with individual standards.

### WAC 246-203-130(3)(a) Collect domestic animal waste at intervals sufficient to maintain sanitary conditions in containment areas.

**Description:** This proposed standard requires people to collect animal waste frequently enough to avoid unsanitary accumulations in containment areas. In other words, people must collect waste often enough that it does not badly accumulate and become a health risk. The proposed rule defines "containment areas" as areas where domestic animals are held, housed, or kept for a period of time, including but not limited to stables, corrals, confinement areas, kennels, pens, and yards. The proposed standard applies to waste from livestock and non-livestock animals.

**Costs:** While the Board assessed and included costs to comply with the proposed standard, the Board believes it is likely that many individuals and businesses already apply practices and own equipment to comply with the proposed standard. The most probable new costs are labor and equipment costs. There may be other new costs if collection practices change significantly. Of the survey responses, one included costs to maintain sanitary conditions and one identified costs for unspecified needs and concerns related to compliance/enforcement. A third respondent identified past and recurring costs not directly attributed to the proposed standard (see below).

In addition, Board staff researched practices and costs of equipment used to collect domestic animal waste. Equipment, methods, and costs vary significantly. See Table 2 for sample equipment and representative costs, sorted roughly by scale. Equipment needs and costs for industrial operations can be significantly higher. Regardless of scale, some equipment can be found and purchased secondhand at lower costs.

On the small end of the scale, disposable pet waste bags can be used to collect waste in areas where dogs are contained and can also be used offsite for walks and other activities. Tools such as a dog pooper scooper, shovel, and muck/pitch/stall fork can be used to collect waste and soiled bedding from such animals as dogs and horses, and—in the case of livestock waste—to ultimately transport it for spreading, composting, or storage. In contrast, smaller droppings by other animals may not allow regular collection and may instead involve regular removal and replacement of soiled bedding, and possibly use of other tools such as rakes and hand scoops for smaller areas. Wheelbarrows, buckets, and muck carts can be used to move modest volumes of waste and soiled bedding.<sup>5</sup>

<sup>&</sup>lt;sup>5</sup> Rutgers University Cooperative Extension, <u>Managing Manure on Horse Farms: Spreading and Off-Farm Disposal</u>.

For larger facilities and volumes of animal waste, equipment options are very diverse and range significantly in cost and scale. This includes utility vehicles; front-end loaders; tractors outfitted with loaders, buckets, and scrapers; and other companion equipment such as manure spreaders, dumpsters, and various other containers/structures as optional means for holding or handling the waste. Equipment such as spreaders may be separate from the waste collection or may be integral to it depending on the methods. Facilities may have custom design features and wash systems to empty and clean containment areas and move larger waste volumes. Depending on the animals and nature of the facility, time and labor to meet recommended cleaning frequencies and maintain sanitary conditions can vary significantly (e.g., daily, monthly, or even longer intervals).

Table 2. Representative costs of common waste concerton equipment						
Small-Scale Items <sup>6</sup>	Cost Range	Large-Scale Items <sup>7</sup>	Cost Range			
Disposable pet waste bag	\$.02 - \$.20	Manure Spreader (small)	\$1,000 - \$2,400			
Dog waste pooper scooper	\$10 - \$50	Manure Spreader (small/med)	\$2,000 - \$14,000			
Hand scoop	\$5 - \$10	Bobcat skid-steer loader	\$28,000 - \$65,000			
Shovel	\$15 - \$40	Kubota tractor/loader	\$10,000 - \$50,000			
Muck/pitch fork	\$25 - \$90	Nortrac tractor/loader	\$19,000 - \$24,000			
Muck bucket	\$20 - \$40	Deere compact utility tractor	\$18,000 - \$40,000			
Wheelbarrow	\$55 - \$170	Deere Gator utility vehicle	\$10,000 - \$28,000			
Muck/utility cart	\$55 - \$800	Deere large utility tractor	\$115,000 and up			
Hydraulic dump cart	\$2,900 and up	Added attachments	variable			

 Table 2: Representative costs of common waste collection equipment

In the cost survey, three respondents indicated the following costs associated with this proposed standard:

- A goat/sheep farming facility identified recurring annual costs of \$500 for labor, fuel, and equipment;
- A pig farming/wholesale facility identified a one-time cost of \$58,000 and recurring annual costs of \$58,000 for unidentified needs and concerns related to compliance/enforcement; and
- A horse boarding/riding/instruction facility identified a past one-time cost of \$9,000 to remove a manure pile and ongoing manure disposal costs of \$5,000/month to comply with county regulation (no indication of new costs due to the proposed standard).

**Benefits:** All technical material on animal waste emphasizes the benefits and need for regular waste collection to maintain sanitary conditions, to protect animal health and well-being, and to prevent and reduce related aesthetic and environmental health problems such as runoff, leaching, odors, and pests/vectors.<sup>3,8,9,10</sup> With livestock, waste collection is generally integral to mud management for animal health.<sup>11,12</sup> Livestock waste collection is also often integral to

<sup>&</sup>lt;sup>6</sup> Tractor Supply, Chewy, Pet Waste Eliminator, Uline, System Equine.

<sup>&</sup>lt;sup>7</sup> Tractor Supply, Northern Tool and Equipment, Millcreek Spreaders, A2Zvehicle.com 2021Bobcat Skid Steer Loader Price List, Kubota, TractorsInfo.net. 2021 John Deere tractor price list.

<sup>&</sup>lt;sup>8</sup> USDA Natural Resources Conservation Service. 2011. <u>Part 651, Agricultural Waste Management Field Handbook,</u> <u>Chapter 9 Agricultural Waste Management Systems</u>.

<sup>&</sup>lt;sup>9</sup> LA County Public Health. 2011. <u>The Link Between Animal Feces and Zoonotic Disease</u>.

<sup>&</sup>lt;sup>10</sup> Pell, A. N. 1997. <u>Manure and Microbes: Public and Animal Health Problem?</u>

<sup>&</sup>lt;sup>11</sup> Washington State University, Whatcom County Extension. 2016. <u>Get Ready: Winter Livestock Management</u>.

composting and storage, and ultimately beneficial use of the material by efficiently recycling nutrients and structure back into the soil. This can financially benefit businesses and people who receive or purchase the material. Regular waste collection protects property values and prevents problems from developing that can require costly solutions such as large-scale cleanup and penalties for violations.

# WAC 246-203-130(3)(b) Handle domestic animal waste to prevent deposition, leaching, and runoff to (i) another person's property, and (iii) surface water bodies used for swimming, shellfish harvesting, or other activity with potential to affect human health.

**Preface:** These two overarching proposed standards are addressed jointly because the associated practices, pollution pathways, and possible impacts are similar and would be largely duplicative if discussed separately. These proposed standards potentially involve an array of waste handling practices highlighted in this and other sections of the analysis. The following describes practices in general terms and leans on related parts of this cost-benefit analysis. The type and amount of animal waste can vary significantly depending on the animals and scale and type of facility/property. The spectrum of settings includes residential yards, small-scale lifestyle farms, and commercial kennels, stables, veterinary clinics, auction markets, equestrian centers, and livestock operations.

**Description:** The proposed standard of (i) requires people to handle animal waste to avoid and prevent deposition, leaching, and runoff to another person's property. Typically, this would apply to neighboring or adjacent properties, but conceivably could apply to more distant properties depending on natural transport mechanisms such as wind and water. The proposed standard of (iii) requires people to handle animal waste to avoid and prevent deposition, leaching, and runoff to surface water bodies where there are uses and activities with potential to affect human health. Typically, this would apply to surface water bodies contained on, flowing through, or adjacent to properties with domestic animal waste, but could apply to more distant water bodies depending on natural transport mechanisms such as wind and water. Both proposed standards apply broadly to animal waste handling and are not limited to practices listed in the proposed rule.

**Costs:** The costs to comply with the proposed standards are indeterminate as they occur on a case-by-case basis. Sample practices listed below illustrate the potential types of measures that can be employed to prevent or address property or surface water impacts associated with deposition, leaching, and runoff.

For non-livestock waste, handling costs are typically limited to collection and disposal (see analysis of these respective proposed standards under WAC 246-203-130(3)(a) and WAC 246-203-130(3)(c)(ii)). In situations with property or surface water impacts, the controls and costs are limited to collection, cleanup, and disposal—not broader issues involving management and reuse of the waste.

<sup>&</sup>lt;sup>12</sup> Washington State University Extension Clark County. 2005. <u>Keeping Clean Water Clean and Reducing Mud</u>, <u>Improving Drainage</u>.

Livestock waste can involve larger volumes and the practices and pollution pathways are more numerous. Illustrations include, but are not limited to, material blown from manure compost windrows, misapplication from manure spreaders/sprinklers, runoff from animal sacrifice areas, and leaching from manure stockpiles. Controls and costs to prevent deposition, leaching, and runoff focus mainly on waste collection, storage, and use, but also draw in other related issues and practices such as animal grazing, mud management, pasture management, and drainage control.<sup>12,13,14,15,16,17</sup>

Large commercial livestock operations generally require more sophisticated waste management systems to process and reuse animal waste. The functions of a waste management system include any or all of the following—production, collection, transfer, storage, treatment, and utilization. Such systems can involve substantial costs especially for large-scale industrial operations. Numerous technical publications define and itemize the interrelated components and practices of such systems.<sup>8</sup>

Costs to prevent or mitigate deposition, leaching, and runoff to properties and surface water bodies occur on a case-by-case basis across a spectrum of possible scenarios and scales of operation. The Board believes the financial burden to comply would range from nominal costs for minor waste volumes to potentially significant costs for major volumes.

In the cost survey, one respondent indicated the following costs associated with this proposed standard:

• A pig farming/wholesale facility identified a one-time cost of \$48,000 and recurring annual costs of \$27,000 for unidentified needs and concerns related to legal counsel and agency consultations.

**Benefits:** Preventing deposition, leaching, and runoff to properties and surface water bodies is beneficial to personal and public health, property values, and potentially affected activities and businesses.<sup>18</sup> Practices that prevent contamination reduce potential exposure and impacts of pathogens and nutrients on surface water bodies and other associated costs such as harmful algal blooms and closure of swimming beaches and shellfish harvest areas. In addition to nutrients, waste from domestic animals may contain pathogens and parasites harmful to human (and animal) health, including Campylobacter, Cryptosporidium, E. coli, Giardia, Toxoplasma gondii, Leptospira, Salmonella, and more.<sup>19,20,21,22</sup> The pathogens can cause a variety of symptoms and

<sup>&</sup>lt;sup>13</sup> Rutgers University Cooperative Extension. 2004. <u>Agricultural Management Practices for Commercial Equine</u> <u>Operations</u>.

<sup>&</sup>lt;sup>14</sup> Washington State University Extension Clark County. Undated. <u>Living on the Land: Reduce Mud & Keep Water</u> <u>Clean, Sacrifice Areas</u>.

<sup>&</sup>lt;sup>15</sup> Northeast Recycling Council, Inc. 2019. <u>Manure Management for Small and Hobby Farms</u>.

<sup>&</sup>lt;sup>16</sup> Oregon State University Extension Service. 2019. <u>Managing Small-Acreage Horse Farms in Western Oregon and</u> <u>Western Washington</u>.

<sup>&</sup>lt;sup>17</sup> Oregon State University Extension Service. 2007. <u>Managing Small-Acreage Horse Farms in Central and Eastern</u> <u>Oregon</u>.

<sup>&</sup>lt;sup>18</sup> University of Georgia Extension. 2014. <u>Coexisting with Neighbors: A Poultry Farmer's Guide</u>.

<sup>&</sup>lt;sup>19</sup> Centers for Disease Control and Prevention, <u>Healthy Pets, Healthy People</u>.

<sup>&</sup>lt;sup>20</sup> Canadian Public Health Association, <u>Human Diseases Transmitted by Dog Poop</u>.

<sup>&</sup>lt;sup>21</sup> University of Minnesota Extension, <u>BMPs for Pathogen Control in Manure</u>.

illnesses. Protection against these pathogens is an essential sanitary safeguard for public health and community well-being.

### WAC 246-203-130(3)(c)(i) Hold non-livestock waste in a watertight container if stored for more than one day prior to proper disposal.

**Preface:** Piling waste from non-livestock animals is not advisable under any condition or circumstance. Aside from the proposed standards for safe storage and disposal of non-livestock waste in WAC 246-203-130(3)(c)(i) and (ii), stockpiling and other alternate storage/disposal practices such as burying and flushing non-livestock waste either raise concerns, are ill-advised, or may even be illegal under certain circumstances.<sup>23,24,25,26,27,28,29,30</sup>

**Description:** This proposed standard requires people to hold waste from non-livestock animals such as dogs and cats in a watertight container if stored for more than a day prior to disposal. The intent is to prevent open-air, outdoor exposure and possible saturation or runoff of the waste prior to disposal. Storage options do not include commercial devices such as pet waste digesters, in-ground systems, and composters that are not designed for watertight storage.

**Costs:** While the Board assessed and included costs to comply with the proposed standard, the Board believes it is likely that many individuals and businesses already apply practices and own equipment to comply with the proposed standard. The most probable new costs are equipment and supplies for container storage and related labor. In the cost survey, no respondents indicated costs associated with this proposed standard. One respondent, a dog boarding facility, noted potential costs if required to purchase special waste bins or dumpsters to replace existing waste bins provided by its private waste disposal company.

Board staff researched representative costs of common equipment and supplies (see Table 3). Storage may occur separate from disposal or it may be integral to the methods and costs of disposal. Storage costs vary depending on the animals, waste volumes, and methods.

Options for watertight containers mainly involve the use of plastic bags in combination with enclosed trash bins. For very small volumes, waste may be held briefly in disposable pet waste bags. People may also use other small plastic bags for small volumes at low cost. For larger volumes, standard trash bags and bins are typically used. Depending on the method and volume, multiple containers may be needed. In addition to these generic methods, PetFusion offers an

<sup>&</sup>lt;sup>22</sup> Sobsey, M. D., L. A. Khatib, V. R. Hill, E. Alocilja, and S. Pillai. 2006. <u>Pathogens in Animal Wastes and the Impacts of Waste Management Practices on their Survival, Transport and Fate</u>.

 <sup>&</sup>lt;sup>23</sup> Snohomish County Public Works. 2018. <u>Safe Pet Waste Disposal Methods & Frequently Asked Questions</u>.
 <sup>24</sup> Whatcom County. Undated. Pet Waste FAOs and Myth Busters.

<sup>&</sup>lt;sup>25</sup> Seattle Public Utilities, What to Do with Pet Waste.

<sup>&</sup>lt;sup>26</sup> Kitsap County, Pet Waste.

<sup>&</sup>lt;sup>27</sup> Clark County, Pet Waste.

<sup>&</sup>lt;sup>28</sup> City of Bothell, <u>How to Safely Dispose of Pet Waste</u>.

<sup>&</sup>lt;sup>29</sup> Thurston County Public Health and Social Services. Undated. <u>Don't Let Your Pet Pollute! How to Safely Dispose</u> <u>of Pet Waste</u>.

<sup>&</sup>lt;sup>30</sup> Chuck Matthews, Washington Department of Ecology. Email to author, February 24, 2021.

outdoor waste station for cat litter for \$50 and an outdoor dog waste station for \$86.<sup>31</sup> People may also devise other custom container systems.

Trash Bags	Cost Range	Trash Bins	Cost Range
Disposable pet waste bag	\$.02 - \$.20	5-gal bucket and lid	\$5 - \$15
13-gallon trash bag	\$.18 - \$.25	32-gal trash bin	\$22 - \$65
33-gallon trash bag	\$.32 - \$.63	45-gal to 96-gal bin	\$35 - \$320
DoggiePot receptacle liner	\$.60 - \$1.10	Pet Waste Eliminator 10-gal	\$90
(15-gal to 55-gal)		trash bin	
Pet Waste Eliminator 10-gal	\$.32		
trash liner			

Table 3: Representative costs of common waste storage bags and bins<sup>32</sup>

**Benefits:** Safe, watertight storage prevents saturation and runoff, and, in turn, helps minimize exposure and health risks. Waste from non-livestock animals, particularly dogs and cats, may contain bacteria and parasites harmful to human (and animal) health, including Campylobacter, Cryptosporidium, E. coli, Giardia, Leptospira, roundworms, tapeworms, Salmonella, Toxoplasma gondii, soil-transmitted helminth (STH) infection, and more.<sup>3,19,20</sup> Secure storage prevents exposure to the agents that can cause a variety of illnesses, infections, and symptoms such as diarrhea, abdominal pain, cramping, fever, vomiting, and other flu-like symptoms. Protection against these diseases and infections benefits personal and public health and avoids cost impacts to individuals, businesses, and activities that depend on clean water and sanitary conditions.

#### WAC 246-203-130(3)(c)(ii) Bag and dispose of non-livestock waste as solid waste.

**Description:** This proposed standard requires people to bag and dispose of waste from nonlivestock animals as solid waste. While this proposed standard applies to waste from all nonlivestock animals, dog waste is the primary concern. The average dog produces three quarters of a pound of waste per day—or 274 pounds per year.**Error! Bookmark not defined.** Snohomish County and Whatcom County estimate their respective dog populations produce about 64 tons and 19 tons of waste per day.<sup>23,24</sup>

**Costs:** While the Board assessed and included costs to comply with the proposed standard, the Board believes it is likely that many individuals and businesses already apply practices to comply with the proposed standard. Probable new costs are equipment and supplies for waste holding, solid waste disposal service, and related labor. One respondent to the cost survey—a goat/sheep farming facility—identified a recurring annual cost of \$100 for bags and collection labor. The proposed standard does not apply to goat, sheep, and other livestock waste so the Board assumes this cost estimate is for waste from non-livestock associated with the business or business owner.

<sup>&</sup>lt;sup>31</sup> <u>Chewy</u> and <u>Amazon</u>.

<sup>&</sup>lt;sup>32</sup> MSC Industrial Direct Co., Amazon, Zoro, Walmart, Pet Waste Eliminator, Ace Hardware, and Lowes.

Board staff researched representative costs for waste holding and disposal. Costs vary depending on the animals, waste volumes, disposal methods, and solid waste services in different areas of the state. People may store and dispose of waste in separate steps, or they may be integral. See Table 3 for costs of common storage material (trash bags and trash bins).

Municipalities across the state provide curbside residential and commercial solid waste collection/disposal services. Complementing this, private solid waste companies serve many municipalities and unincorporated areas of the state. These services are further supplemented by self-haul disposal options at transfer stations and landfills in many locales. Specific services and rate structures vary significantly based on volume and type of material, size and type of container, collection frequency, and other factors.

Table 4 lists sample costs of solid waste services across the state. Municipalities and private companies have different approaches and policies regarding trash cans, such as selling and delivering cans for use or furnishing and retaining ownership of containers. Service providers offer numerous optional services and rates not captured in the table.

Jurisdiction	Provider	Туре	Unit	Cost <sup>33</sup>	Frequency
Municipal Curbside Co	llection/Disposal Servie	ce			
City of Yakima <sup>34,35</sup>	Yakima	residential/	32-gal	\$19	weekly
		commercial	96-gal	\$22	
			2-yard	\$112	
City of Seattle <sup>36,37</sup>	Seattle	residential	32-gal	\$41	weekly
			64-gal	\$82	
			96-gal	\$123	
		commercial	32-gal	\$56	weekly
			64-gal	\$109	
			96-gal	\$128	
			2-yard	\$375	
City of Richland <sup>38,39</sup>	Richland	residential	96-gal	\$18	weekly
		commercial	100-gal	\$20	weekly
			2-yard	\$83	
City of Tacoma <sup>40</sup>	Tacoma	residential	30-gal	\$24	biweekly
			60-gal	\$48	
			90-gal	\$72	
		commercial	30-gal	\$40	weekly
			60-gal	\$60	
			90-gal	\$82	
			2-yard	\$230	
Private Curbside Collec					
Asotin County <sup>41</sup>	Naslund Disposal	residential	64-gal	\$20	weekly

#### Table 4: Sample costs of solid waste services in Washington

<sup>&</sup>lt;sup>33</sup> All costs are monthly rates except self-haul landfill tonnage rates.

<sup>&</sup>lt;sup>34</sup> City of Yakima, <u>Automated Garbage Collection Rates</u>.

<sup>&</sup>lt;sup>35</sup> City of Yakima, <u>Permanent Metal Bins</u>.

<sup>&</sup>lt;sup>36</sup> Seattle Public Utilities, <u>Monthly Residential Garbage Can Rates</u>.

<sup>&</sup>lt;sup>37</sup> Seattle Public Utilities, <u>Monthly Commercial Garbage Container Rates</u>.

<sup>&</sup>lt;sup>38</sup> City of Richland, <u>Residential Collection Fees</u>.

<sup>&</sup>lt;sup>39</sup> City of Richland, <u>Commercial Service Fees</u>.

<sup>&</sup>lt;sup>40</sup> City of Tacoma, <u>Residential Curbside Collection and Commercial Garbage Rates</u>.

	Service		96-gal	\$24	
North King County <sup>42</sup>	Republic Services	residential	32-gal	\$15	weekly
			64-gal	\$25	
			96-gal	\$36	
City of North Bend <sup>43</sup>	Republic Services	residential	32-gal	\$23	weekly
			64-gal	\$37	
			96-gal	\$49	
City of Port Orchard <sup>44</sup>	Waste Management	residential	35-gal	\$23	weekly
			64-gal	\$27	
			96-gal	\$33	
Municipal Self-Haul La	ndfill Service				
Thurston County <sup>45</sup>	self-haul	landfill	ton	\$119	N/A
Grant County <sup>46</sup>	self-haul	landfill	ton	\$50	N/A
Whitman County <sup>47</sup>	self-haul	landfill	ton	\$114	N/A
Clark County <sup>48</sup>	self-haul	transfer station	ton	\$98 plus	N/A
				\$10 fee	
Jefferson County <sup>49</sup>	self-haul	transfer station	ton	\$163	N/A

**Benefits:** Methods and materials that securely bag and dispose of non-livestock waste as solid waste offer the safest disposal option and minimize exposure and health risks. Waste from non-livestock animals may contain bacteria and parasites harmful to human (and animal) health, including Campylobacter, Cryptosporidium, E. coli, Giardia, Leptospira, roundworms, tapeworms, Salmonella, Toxoplasma gondii, soil-transmitted helminth (STH) infection, and more.<sup>3,19,20</sup> Safe, secure disposal prevents exposure to agents that can cause a variety of illnesses, infections, and symptoms such as diarrhea, abdominal pain, cramping, fever, vomiting, and other flu-like symptoms. Protection against these diseases and infections benefits personal and public health and avoids cost impacts to individuals, businesses, and activities that depend on clean water and sanitary conditions.

### WAC 246-203-130(3)(d)(iii)(D) Site stockpiled livestock waste one hundred feet or more from a surface water body. (see exception that follows)

**Description:** Stockpiling is short-term piling of stackable waste from livestock, typically using temporary, non-structural measures.<sup>50</sup> If waste from livestock is stockpiled for later use or disposal, this proposed standard requires people to site the stockpile one hundred feet or more from a surface water body. The proposed standard assumes unmitigated stockpiling on bare ground on a short-term basis between collection and use. The exception in WAC 246-203-

<sup>&</sup>lt;sup>41</sup> Naslund Disposal Service, <u>Asotin County Residential Rates</u>.

<sup>&</sup>lt;sup>42</sup> Republic Services, <u>Curbside Garbage Collection</u>, <u>Unincorporated North King County Residential Rates</u>.

<sup>&</sup>lt;sup>43</sup> Republic Services, <u>Curbside Garbage Collection, North Bend Residential Rates</u>.

<sup>&</sup>lt;sup>44</sup> Waste Management, <u>City of Port Orchard Curbside Collection Rates</u>.

<sup>&</sup>lt;sup>45</sup> Thurston County, <u>Waste and Recovery Center at Hawks Prairie</u>.

<sup>&</sup>lt;sup>46</sup> Grant County, <u>Solid Waste Landfill Disposal Fee Schedule</u>.

<sup>&</sup>lt;sup>47</sup> Whitman County, Solid Waste Transfer Site and Landfill.

<sup>&</sup>lt;sup>48</sup> Clark County, <u>Self-Haul Options</u>.

<sup>&</sup>lt;sup>49</sup> Jefferson County, <u>Solid Waste Division 2021 Fee Schedules</u>.

<sup>&</sup>lt;sup>50</sup> USDA Natural Resources Conservation Service. 2020. <u>Conservation Practice Overview, Short-Term Storage of</u> <u>Animal Waste (Code 318).</u>

130(3)(d)(iii)(D)(II), discussed and analyzed separately below, allows reduction of the setback when practices are applied to mitigate runoff and leachate.

For people not currently meeting this proposed standard, the cost to comply would not involve the cost of removing an existing pile (unless there are impacts under WAC 246-203-130(3)(b)(iii)), but rather the cost of possibly siting future stockpiles further away from surface water bodies. While this 100-foot setback appears in various technical references, the proposed standard is based mainly on Natural Resources Conservation Service (NRCS) Code 318 which recommends locating stockpiles "at least 100 feet from all drainageways."<sup>51</sup> Although NRCS standards are widely used and referenced, they are not enforceable and may not be considered "generally accepted industry standards." As such, the Board opted to include this standard in the Significant Analysis and SBEIS.

**Costs:** The Board believes it is likely that many individuals and businesses already apply practices to comply with the proposed standard. For people who currently stockpile livestock waste or plan to do so in the future, probable new costs would take the form of siting stockpiles farther away than planned or desired from surface water bodies. This would involve indeterminate costs on a case-by-case basis. These may be actual, additional costs or opportunity costs associated with not siting a stockpile close to a surface water body. In other words, locating a stockpile next to a surface water body may be the cheapest option and setting it back from the water body may be more costly or less convenient.

Cost factors involved in siting stockpiles include available space and space needs of the waste volume; equipment access to unload/load the waste; proximity to source and use/application areas; proximity to dwellings, people, wells, and other exposure risks; and site characteristics such as prevailing wind direction, soil permeability, slope, seasonal water table, and surface drainage. Ideally stockpiles are located on relatively level, well-drained ground that is easily accessed and is buffered from people and water resources to limit risks and impacts.<sup>8,13,52,53,54</sup>

In the cost survey, one respondent indicated the following costs associated with this proposed standard:

• A pig farming/wholesale facility identified a one-time cost of \$210,000 and recurring annual costs of \$50,000 for needs and concerns related to constructing a manure lagoon or selling land to comply with the standard.

While a landowner may choose to comply in this manner, the proposed standard applies to stackable waste (not lagoon storage) and allows reductions to the setback if treatment or control practices are applied. Therefore, the Board anticipates that the cost impacts will likely be lower than estimated.

**Benefits:** The main benefit is preventing or minimizing runoff, leaching, and impacts to surface water bodies. This reduces risk of human exposure to pathogens via water recreation, drinking

<sup>&</sup>lt;sup>51</sup> USDA Natural Resources Conservation Service. 2020. <u>Code 318, Conservation Practice Standard, Short Term</u> <u>Storage of Animal Waste and By-Products</u>.

<sup>&</sup>lt;sup>52</sup> Michigan State University Extension, <u>Storing Manure on Small Farms – Deciding on a Storage Option</u>.

<sup>&</sup>lt;sup>53</sup> Minnesota Pollution Control Agency. 2015. <u>Manure Stockpiling, Technical Guidelines</u>.

<sup>&</sup>lt;sup>54</sup> Rutgers University Cooperative Extension, <u>Storing Manure on Small Horse and Livestock Farms</u>.

water, shellfish harvesting, and other uses of the waters. Setbacks also help protect water bodies that may be vulnerable to nutrient inputs and related problems such as harmful algal blooms. In addition to nutrients, waste from livestock may contain bacteria and parasites harmful to human (and animal) health, including Campylobacter, Cryptosporidium, E. coli, Giardia, Leptospira, Salmonella, and more.<sup>22,55</sup> Safely stockpiling livestock waste away from surface water bodies helps prevent exposure to pathogens that can cause a variety of illnesses, infections, and symptoms such as diarrhea, abdominal pain, cramping, fever, vomiting, and other flu-like symptoms. Protection against these diseases and infections benefits personal and public health and avoids cost impacts to individuals, neighboring properties, businesses, and activities that depend on clean water and sanitary conditions.

#### WAC 246-203-130(3)(d)(iii)(D)(II) Site stockpiled livestock waste one hundred feet or more from a surface water body unless the surface water body is protected by one or more control or treatment practices that capture and prevent leachate and runoff.

**Description:** If waste from livestock is stockpiled for later use or disposal, this proposed exception to WAC 246-203-130(3)(d)(iii)(D) allows people to site stockpiles closer than one hundred feet of a surface water body if practices are applied to mitigate runoff and leachate. This can include practices to mitigate stockpiles such as covers and pads, or alternate methods of storing stackable waste, such as stacking and composting structures.

**Costs:** The Board believes it is likely that many individuals and businesses already apply practices to comply with the proposed standard. The rule does not prescribe specific practices for this proposed performance standard—reduction of the setback from surface water bodies. The performance standard allows people to determine the appropriate practices. Functioning controls for existing piles satisfy this proposed standard.

Controls for waste stockpiles and alternate types of storage can range in design from storage pads or watertight covers to three-sided bins for modest volumes, and lagoons for storing much larger volumes of liquid/slurry waste. However, this proposed stockpiling standard applies only to controls for stackable waste that behaves primarily as a solid, not liquid waste storage.<sup>50</sup>

Common conservation practices for stackable waste include the following, listed by NRCS code. Practices can be applied individually or in combination. Practices may or may not be designed and constructed to NRCS standards but should always be designed to account for anticipated storage needs, surface loads, drainage, and possible seepage.

- Short-Term Storage of Animal Waste (Code 318). Temporary, nonstructural measures used to store solid or semisolid organic agricultural waste or manure on a short-term basis between collection and utilization. Common practices include storage pads and covers to prevent runoff and leachate.<sup>56</sup>
- Waste Storage Facility (Code 313). An impoundment or containment made by constructing an embankment, excavating a pit or dugout, or fabricating a structure. As

<sup>&</sup>lt;sup>55</sup> University of Minnesota Extension, <u>BMPs for Pathogen Control in Manure</u>.

<sup>&</sup>lt;sup>56</sup> USDA Natural Resources Conservation Service. 2020. <u>Code 318, Conservation Practice Standard, Short Term</u> <u>Storage of Animal Waste and Byproducts</u>.

noted previously, lagoons and other impoundments used for liquid/slurry waste are outside the scope of this standard. Storage of stackable waste is an alternative to short-term stockpiling, and fabricated stacking (drystack) facilities are the most common practice.<sup>8,57</sup>

- **Composting Facility** (Code 317). A structure or device to contain and facilitate decomposition of manure into a final product sufficiently stable for storage or use. While composting is also outside the scope of this standard, a composting facility can serve as a desirable alternative to stockpiling and stacking.<sup>58</sup>
- **Roofs and Covers** (Code 367). Roofs and covers serve to divert clean water from stacked or composted waste to prevent or minimize runoff and leachate. Covers can also help limit odors and pests and provide other benefits.<sup>59</sup>
- **Roof Runoff Structure** (Code 558). Like roofs and covers, this practice is used to collect and divert clean water from stacked and composted waste.<sup>60</sup>
- Filter Strip (Code 393). Vegetative filter strips remove sediment, organic material, and other pollutants from runoff. Filter strips serve as a protective buffer between stockpiled, stacked, and composted waste and adjacent surface water bodies.<sup>61</sup>

Costs of structures and other practices vary significantly and are indeterminate, depending on scale (waste volumes), design, site characteristics, and other factors. Use of multiple practices in combination can increase effectiveness but can also increase costs of control and treatment systems.

If not a roofed structure, cover options include tarp covers in the form of plastic sheeting, polyethylene, or other watertight material that is often weighted or anchored to help fasten the cover. Table 5 shows representative costs of polyethylene tarps, which vary in quality/weight of the material. To incentivize best practices, Whatcom Conservation District offers free tarps to landowners via its small farm program.<sup>62</sup>

Item	Dimension	Cost range
Polyethylene tarp	30 x 50 feet	\$124 - \$182
	50 x 50 feet	\$125 - \$829
	100 x 100 feet	\$580 - \$3,313
	170 x 170 feet	\$7,899 - \$9,577

#### Table 5: Representative costs of stockpile covers<sup>63</sup>

Other material for stacking and composting structures includes concrete, treated wood (posts, rails, landscaping timbers, etc.), Ecology blocks, bolts, and other hardware for the construction.

<sup>&</sup>lt;sup>57</sup> USDA Natural Resources Conservation Service. 2016. <u>Code 313, Conservation Practice Standard, Waste Storage</u> <u>Facility</u>.

<sup>&</sup>lt;sup>58</sup> USDA Natural Resources Conservation Service. 2020. <u>Code 317, Conservation Practice Standard, Composting</u> <u>Facility</u>.

<sup>&</sup>lt;sup>59</sup> USDA Natural Resources Conservation Service. 2015. <u>Code 367, Conservation Practice Standard, Roofs and</u> <u>Covers</u>.

<sup>&</sup>lt;sup>60</sup> USDA Natural Resources Conservation Service, 2021. <u>Code 558, Conservation Practice Standard, Roof Runoff</u> <u>Structure</u>.

<sup>&</sup>lt;sup>61</sup> USDA Natural Resources Conservation Service. 2016. <u>Code 393, Conservation Practice Standard, Filter Strip.</u>

<sup>&</sup>lt;sup>62</sup> Whatcom Conservation District, Financial Assistance for Farms, Tarps to Cover Manure Piles.

<sup>&</sup>lt;sup>63</sup> Lowes and Canopies and Tarps.

Structural practices may involve additional costs (e.g., labor, building permits, engineering services). These costs may be offset by technical/financial assistance available from local conservation districts.

Designs are available for do-it-yourself construction of simple structures. For example, one design for a three-bay structure calls for 9 cubic yards of concrete for the pad and 28 2 x 2 feet Ecology blocks of different lengths.<sup>64</sup> Inexact comparables described below using Ecology blocks cost \$2,600 and \$4,000 respectively. More sophisticated structures may require professional design. For example, the structure described in Table 6 as a "12 cubic yard three-bin, forced-air aerator compost structure" cost \$700 to design which is included in the \$5,000 total cost.

Table 6 lists sample structures recently built in the state, mostly small/medium stacking and composting facilities covering a range of costs and designs. As noted previously, larger commercial scale facilities are markedly more costly to design, build, and maintain.

Description	Photo (if available)	Cost or Cost Range
600 square foot three- bay compost facility with concrete floor and walls, roof structure, and roof, designed to handle moderate volumes of manure.		\$30,000 - \$40,000
Compost facility with concrete exterior walls, wood interior walls, roof, and roof structure. Such structures may include a concrete apron, rock, or ramp to control mud, and gutters and downspouts to manage roof runoff.		\$30,000 - \$40,000
3,000 square foot waste storage facility with concrete floor, concrete walls, roof, and roof runoff structure.		\$89,000

#### Table 6: Cost of sample stacking and composting structures<sup>65,66</sup>

<sup>&</sup>lt;sup>64</sup> USDA Natural Resources Conservation Service Lynden Field Office. Undated. <u>Small Farm Composting Guide:</u> For use in Whatcom, Skagit, Snohomish, San Juan, Island, Clallam, and Jefferson Counties only.

<sup>&</sup>lt;sup>65</sup> Andrea Hood, Washington Department of Health. Emails to author, May 19 and June 14, 2021.

<sup>&</sup>lt;sup>66</sup> Pauline Chiquet, Whatcom Conservation District via Andrea Hood, Washington Department of Health. Email to author, June 8, 2021.

4 cubic yard single-bay prefab concrete storage bunker and slab with year-round tractor access.	\$3,600
13 cubic yard two-bay storage walled by Ecology blocks with treated wood separator, tarp, and concrete skid for tractor bucket over gravel.	\$2,600
26 cubic yard single- bay storage with Ecology blocks.	\$4,000
6 cubic yard two-bay treated-wood, forced air compost micro-bins.	\$2,800
12 cubic yard three-bin, forced-air aerator compost structure with Ecology block walls, wood panels, and front hinge opening.	\$5,000
24 cubic yard treated- lumber, concrete- footing, gravel-floor storage structure.	\$2,700

These examples illustrate different practices and variability in design, materials, and costs based on many factors, with larger structures and volumes costing more. Grants and cost share funds are available from different government programs, including state cost share administered by the State Conservation Commission on the basis of 75 percent cost share; 25 percent landowner match; \$50,000 cost share cap; and engineered/approved to NRCS standards.<sup>67</sup> Federal Environmental Quality Incentives Program (EQIP) cost share administered by NRCS has a much larger cap (approximately \$250,000) and practices are all reimbursed at different unit rates (e.g., manure storage per cubic yard, fencing per linear foot). For example, 2021 NRCS reimbursement for a drystack facility with concrete floor and no walls is \$5.74 per square foot and a drystack facility with concrete floor and wood walls is \$2.02 per cubic foot.<sup>68,69</sup>

In the cost survey, one respondent indicated the following costs associated with this proposed standard:

• A pig farming/wholesale facility identified a one-time cost of \$95,000 and recurring annual costs of \$19,000 for needs and concerns related to engineering services, local permitting, and legal counsel.

**Benefits:** With proper design and maintenance, conservations practices can effectively protect surface water bodies from stockpiled, stacked, and composted manure.<sup>8,15,52,53,54,56,57,58</sup> Practices that capture and prevent leachate and runoff to surface water bodies reduce potential exposure to and impacts of pathogens and nutrients on surface water bodies and associated costs such as closure of swimming beaches and shellfish harvest areas. Landowners and businesses benefit from good, safe practices when livestock waste is recycled and returned to the soil as nutrients and structural amendments. Good practices also help reduce and control pests, animal parasites, and odors. Practices that effectively prevent impacts avoid the need for potentially costly cleanup, relocation of stockpiled waste, and difficult and costly enforcement if piles are impacting surface water bodies.

## WAC 246-203-130(3)(d)(iii)(E) Site stockpiled livestock waste outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

**Description:** If waste from livestock is stockpiled, this proposed standard prohibits siting stockpiles in seasonally or frequently flooded areas unless the stockpile is used or disposed of prior to flooding. Surface runoff, soils, water tables, and other factors determine seasonally and frequently flooded areas. This proposed standard overlaps with proposed WAC 246-203-130(3)(d)(ii) which requires removal of stockpiles at least annually (incorporated from <u>WAC</u> <u>173-350-320(2)(2)</u> and exempt from analysis). The risk of stockpiles being saturated or inundated by water makes such sites ill-suited for stockpiling and may necessitate more frequent removal of piles. The proposed standard also mirrors protection of frequently flooded areas in

<sup>&</sup>lt;sup>67</sup> Corina Cheever, Whatcom Conservation District via Andrea Hood, Washington Department of Health. Email to author, June 10, 2021.

<sup>&</sup>lt;sup>68</sup> Dakota Stranik, Whatcom Conservation District via Andrea Hood, Washington Department of Health. Email to author, June 24, 2021.

<sup>&</sup>lt;sup>69</sup> USDA Natural Resources Conservation Service. 2021. USDA/NRCS/Washington State EQIP Payment Estimate Worksheet FY21.

<u>WAC 365-190-110</u>. The proposed standard involves no provisions for mitigating impacts other than removal of piles prior to flooding.

**Costs:** Costs associated with this proposed standard can be avoided altogether by not stockpiling in flood-prone areas. If such areas are used for stockpiling, the only cost associated with this provision would be the incremental cost associated with removal more frequently than annually, if needed. However, these costs may be negligible if the volume removed is unaffected.

The Board believes it is likely that many individuals and businesses already apply practices to comply with the proposed standard. While seasonal/frequent flooding is often recurring and predictable, it can also be sudden and unforeseen. When possible, stockpiles are generally managed and recycled on-site in concert with other practices to reuse the nutrients. Costs to remove/reuse stockpiles on-site are indeterminate and can overlap with other costs discussed previously. Costs for off-site disposal or reuse are also indeterminate and involve different and often higher costs for loading, transport, and disposal.<sup>5,70,71</sup> Property owners may use some combination of spreaders, dumpsters, containers, or other form of portable or semi-portable holding structure as means for holding and removing stockpiles.<sup>52,72</sup>

Individuals and businesses can contract with commercial solid waste firms for disposal or with custom manure hauling services for removal of piles or dedicated manure dumpsters for off-site application or disposal.<sup>13</sup> If waste is landfilled or dropped off at a composting facility, standard tipping fees would apply in addition to transport costs (Table 7).

Facility	Unit	Cost
King County Cedar Hills	per ton	\$168
Regional Landfill <sup>73</sup>		
Pierce County Recycling,	per ton	\$38
Composting, and Disposal (LRI		
Services), Hidden Valley		
Compost Factory <sup>74</sup>		

Table 7: Sample manure disposal costs

People may have access to local no- or low-cost manure exchange programs that help connect property owners seeking manure with those who have excess manure.<sup>75,76,77</sup> Clark Conservation District offers rental of a manure spreader for \$100/day in spring and fall to help property owners reduce stockpiles and use the waste.<sup>78</sup> As with other proposed rule standards, scale is a

<sup>&</sup>lt;sup>70</sup> King County Department of Natural Resources, Washington State University Cooperative Extension King and Pierce Counties. 2002. <u>Strategies for Livestock Manure Management</u>.

<sup>&</sup>lt;sup>71</sup> Colorado State University Extension. 2018. <u>Manure Management for Small Acreages</u>.

<sup>&</sup>lt;sup>72</sup> Livestock and Poultry Environmental Learning Community, <u>Storing Manure on Small Farms:</u>

Why Do Small Farms Need Manure Storage?

<sup>&</sup>lt;sup>73</sup> King County, <u>Off-site Options for Managing Manure and Bedding</u>.

<sup>&</sup>lt;sup>74</sup> LRI Services. Phone inquiry from author, November 16, 2021.

<sup>&</sup>lt;sup>75</sup> Whatcom Conservation District, <u>Manure Link</u>.

<sup>&</sup>lt;sup>76</sup> Mason Conservation District, <u>Manure Exchange Program</u>.

<sup>&</sup>lt;sup>77</sup> Clark Conservation District, <u>Manure Exchange List</u>.

<sup>&</sup>lt;sup>78</sup> Clark Conservation District, <u>Manure Spreader</u>.

significant factor determining removal costs of waste piles. Including equipment, labor, and disposal, total removal costs can range from hundreds of dollars for modest piles to many thousands of dollars for large piles. One respondent to the cost survey, under a different proposed standard, said removal of a manure stockpile cost \$9,000 but gave no information on scale or volume.

In the cost survey, one respondent indicated the following costs associated with this proposed standard:

• A pig farming/wholesale facility identified a one-time cost of \$17,000 and recurring annual costs of \$10,500 for needs and concerns related to inefficient and unscheduled movement of stockpiles.

**Benefits:** Stockpiling livestock waste can be an environmentally safe method of manure storage if site selection is carefully considered.<sup>53</sup> Stockpiling that avoids flood-prone areas and saturated conditions protects water resources and public health. Water that comes in contact with stockpiled manure can pick up particles of manure and manure leachate and transport the waste off-site. The pollutants can be solids, nutrients, pathogens, or other contaminants that flow overland or seep into the ground. Both pathways can have significant negative impacts on water quality and human health.<sup>53</sup> Like other practices discussed previously, siting stockpiles outside flood-prone areas yields other benefits related to animal health, property values, and valued uses of water resources.

#### **Cost-Benefit Summary**

Table 8 summarizes probable new incremental costs and corresponding benefits of the proposed standards for individuals and businesses not already meeting the respective standards. Specific costs and benefits are largely indeterminate—case-by-case based on type/number of animals, waste volumes, site characteristics, and other factors.

Proposed Standard	Costs	Benefits
Overarching		
WAC 246-203-130(3)(a) Collect domestic animal waste at intervals sufficient to maintain sanitary conditions in containment areas	Costs are equipment, supplies, and labor, and include one-time and recurring/replacement costs. Large cost range depending on situation and waste volumes, ranging from small scale (< \$100) to large scale (>\$100,000) one- time costs for equipment.	<ul> <li>Personal and public health</li> <li>Environmental health (e.g., runoff, vectors, odor)</li> <li>Animal health</li> </ul>
WAC 246-203-130(3)(b)(i),(iii) Handle domestic animal waste to prevent deposition, leaching, and runoff to (i) another person's property, and (iii) surface water bodies used for swimming, shellfish harvesting, or other activity with potential to affect human health. Disposing Non-Livestock Waste	Costs are indeterminate, case-by case. Numerous waste handling practices and pollution pathways potentially come into play, including comprehensive waste management on large operations.	<ul> <li>Personal and public health</li> <li>Environmental health</li> <li>Economic/beneficial uses of water resources</li> <li>Property values</li> <li>Community well-being</li> </ul>
WAC 246-203-130(3)(c)(i) Hold non-livestock waste in a	Costs are equipment, supplies, and labor and include both one-time and	<ul><li>Personal and public health</li><li>Environmental health</li></ul>

#### Table 8: Cost-benefit summary\*

watertight container if stored for more than one day prior to proper disposal. WAC 246-203-130(3)(c)(ii) Bag and dispose of non-livestock waste as solid waste.	recurring costs. Trash bins and bags are generally less than \$100 in one-time costs and require periodic replacement of bins. Total costs depend on waste volumes and holding needs which may be integral to disposal methods/costs. Costs are disposal services, equipment, supplies, and labor. Disposal costs may overlap with storage costs. Disposal rates are variable, generally \$20-\$75 per month for residential disposal, more for commercial. Most people and businesses already comply and incremental costs would likely be	<ul> <li>Economic/beneficial uses of water resources</li> <li>Personal and public health</li> <li>Environmental health</li> <li>Economic/beneficial uses of water resources</li> </ul>
Stockpiling Livestock Waste	nominal. Total costs depend on service area, disposal method/rates, and waste volumes.	
WAC 246-203-130(3)(d)(iii)(D) Site stockpiled livestock waste one hundred feet or more from a surface water body.	Costs for this setback are indetermin- ate, case-by-case, affecting people who currently stockpile livestock waste near surface water bodies or plan to do so in the future. Costs would involve siting stockpiles farther away than planned or desired from surface water bodies.	<ul> <li>Personal and public health</li> <li>Environmental health</li> <li>Economic/beneficial uses of water resources</li> </ul>
WAC 246-203-130 (3)(d)(iii)(D)(II) Site stockpiled livestock waste one hundred feet or more from a surface water body unless the surface water body is protected by one or more control or treatment practices that capture and prevent leachate and runoff.	Costs are equipment, material, and labor to install (one-time costs) and maintain (recurring costs) practices to mitigate runoff and leachate from stockpiles. Optional practices range from storage pads and covers to stacking and composting structures. Costs range (\$100s to \$1,000s and up) in one-time costs depending on the practice(s), waste volumes, and other factors.	<ul> <li>Personal and public health</li> <li>Environmental health</li> <li>Economic/beneficial uses of water resources</li> <li>Potential reuse of livestock waste</li> </ul>
WAC 246-203-130(3)(d)(iii)(E) Site stockpiled livestock waste outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.	Costs to remove/reuse stockpiles are indeterminate, case-by-case. Where possible, stockpiles are generally managed/recycled on site. Costs for off-site movement generally involve higher costs for loading, transport, and disposal. Sample disposal costs range between \$38 and \$168 per ton and would be negligible for people already regularly disposing such piles.	<ul> <li>Personal and public health</li> <li>Environmental health</li> <li>Economic/beneficial uses of water resources</li> </ul>

\*Summary table based mainly on researched costs and may not reflect responses in the cost survey.

As noted previously, the Board received a total of 41 responses to the business cost survey. Cost survey results included 4 businesses that identified cost information, 24 businesses that indicated no costs, and 13 businesses with unspecified responses. In summary, 37 of 41 respondents across a number of industries identified no cost impact or provided no cost information. This indicates that the proposed rule will likely have little or no cost impact on many businesses.

In instances where additional work is needed to comply with the proposed standards, there may be costs for equipment, supplies, material, and labor to regularly collect and safely store and dispose of animal waste to prevent or abate health hazards and nuisance. The overall incremental cost impact of the proposed rule is indeterminate for properties and operations statewide and would be unique in each situation. The Board believes and concludes that the benefits of actions to comply with the proposed standards, especially the personal and public health benefits, outweigh the potential incremental costs.

## SECTION 6: Identify alternative versions of the rule that were considered and explain how the Board determined that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives state previously.

Board policy recommendations in the background report<sup>1</sup> established guideposts for the rulemaking, including:

- Develop a practical, purposeful rule;
- Capitalize on local health authority;
- Focus on the impact of domestic animal waste on health, sanitation, and nuisance;
- Focus on smaller-scale animal waste practices and impacts; and
- Leave regulation of large animal feeding operations to established programs.

The policy recommendations acknowledged that certain issues would be explored during rulemaking. For example, regarding the question of whether to exempt large operations, the report says:

"The rule should not necessarily be limited in scale and could appropriately be applied to larger operations and impacts when needed. The rulemaking process should be used to discuss and determine how best to design and scale the rule's applicability to address these needs." (p. 25)

On that specific issue, the proposed rule does not exempt any type, class, or size of operation. The proposed rule does, however, exclude diffuse practices such as trail riding and free-range grazing where animal waste is unlikely to appreciably accumulate.

In addition to Board policy direction, the rulemaking included objectives to:

- Keep the rule short and simple;
- Better align the rule with Board authority regulating animal waste, not animal keeping;
- Frame the rule around a few control points that people could reasonably meet and are key to health and sanitation; and
- Modernize the rule's language, standards, and structure.

The rule drafting featured ongoing consideration and analysis of alternate approaches, standards, and rule language. The drafting also involved regular review and input from peers with subject matter expertise at public health and natural resources agencies. In 2019, preliminary drafts were

vetted and discussed in two stakeholder meetings. To reach a wider audience, the Board distributed a formal draft for public review in early 2020 and ultimately extended the comment deadline to encourage more comment.

At every turn, rule language evolved in response to stakeholder feedback. For example, edits to the public review draft prior to consideration by the Board in November 2020, included the following changes:

- Removed three draft subsections that aimed to add context, but proved extraneous;
- Revised draft language to align more narrowly with Board and local health officer authority;
- Revamped draft enforcement language to employ conventional enforcement authority of local health officers in Board rules;
- Removed the following draft standards:
  - pick up after pets that defecate on other people's property;
  - set back livestock waste stockpiles from property lines and public rights-of-way; and
    control and cover livestock waste stockpiles.
- Edited draft livestock waste stockpiling standards to better align with established standards in other rules and codes;
- Clarified that collection of waste applies to containment areas and does not apply to freerange grazing, trail riding, and other diffuse sources; and
- Deleted, edited, and added numerous terms and definitions to support the simpler rule.

Following work on the Significant Analysis, the Board made the following additional change:

• Deleted a draft standard prohibiting use of composted non-livestock waste on edible plants. The edit reinforces the rule's scope and focus on waste (not compost) and avoids unintended regulatory implications for commercial composting facilities.

The Board believes the proposed rule sets basic standards that are essential to health and sanitation and are the least burdensome to achieving the objective of safe waste handling and disposal. Stated differently, the proposed rule establishes expectations and standards that are intended to be meaningful, reasonable, and least burdensome.

## SECTION 7: Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require actions that violate requirements of another federal or state law. The background report<sup>1</sup> evaluated the regulatory structure in Washington for livestock manure and other domestic animal waste. The purpose of the evaluation was to inform the rulemaking—to avoid standards that might conflict with requirements in other laws and rules and to identify an appropriate niche for the Board's revised rule.

The proposed rule is written to focus on animal excreta, and to reference and reinforce standards of other rules and codes to help ensure regulatory consistency. Where there may be an overlap in requirements, the proposed rule defers to more stringent standards in federal, state, or municipal law.

## **SECTION 8: Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.**

The proposed rule does not impose more stringent performance requirements on private entities than on public entities. The proposed rule regulates "persons" defined as "any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of these entities." The proposed rule applies equally to all persons regardless of public or private ownership or affiliation.

## SECTION 9: Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The Board has unique responsibility and authority regulating animal waste to prevent, control, and abate health hazards and nuisance detrimental to human health. As described in the background report<sup>1</sup>, the proposed rule addresses issues associated with several other laws and programs. However, the authority, purpose, and applicability of those laws and programs differ significantly from the Board's proposed domestic animal waste rule.

By their nature, public health is integral to other state laws and rules dealing with animal waste, manure management, nonpoint pollution, and solid waste. However, none have authority specific to sanitation, health hazards, and nuisance directly comparable to Board authority for animal waste. The proposed rule is designed and written to complement other laws; to emphasize initial waste deposition, collection, stockpiling, and disposal; and to equip local health officers in situations where animal waste creates a health hazard or nuisance. The proposed rule creates no new authority.

## SECTION 10: Demonstrate that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

As noted previously, the background report provides a comprehensive evaluation and description of the state regulatory structure for livestock manure and other domestic animal waste.<sup>1</sup> The

rulemaking has taken this into account to help avoid conflicting requirements. Where feasible, the proposed rule incorporates standards in other established rules and codes. The proposed rule yields to any overlapping standard in federal, state, or municipal law that is more stringent.

The rulemaking involved significant outreach to and coordination with local, state, and federal agencies on the issues. At the state level, this includes coordination with the Washington State Department of Agriculture, Washington State Department of Ecology, Washington State Department of Health, State Conservation Commission, Washington State Department of Natural Resources, and Washington State Parks. At the local level, the rulemaking involved communication with and input from conservation districts, local health jurisdictions, and counties, coupled with outreach to state associations for cities, counties, conservation districts, and local health jurisdictions. This feedback significantly shaped the design and content of the proposed rule.

### Small Business Economic Impact Statement

### WAC 246-203-130 a Rule Concerning Keeping of Animals

Revising the Section Title to Domestic Animal Waste

March 10, 2022

SECTION 1: Describe the proposed rule, including a brief history of the issue; an explanation of why the proposed rule is needed; and a brief description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed rule.

The purpose of this rulemaking is to modernize <u>WAC 246-203-130</u>, Keeping of Animals, a longstanding Washington State Board of Health (Board) rule with language dating back to the 1920s and 30s. This rule is one section of Board rules on General Sanitation, <u>chapter 246-203 WAC</u>, covering such issues as nuisance, piggeries, disposal of dead animals, and use of common cup and towel. The chapter was codified as Washington Administrative Code (WAC) in 1960, followed by administrative recodification in 1991. Despite its unique niche and authority, the rule has not undergone review or revision in recent decades while other related laws and regulations have been enacted, leaving a health and sanitation gap in the state regulatory structure for domestic animal waste.

In 2009, the Board received a petition from the Washington Association of Conservation Districts to amend the rule. The Board denied the specific petition and opted to file a CR-101 Preproposal Statement of Inquiry (<u>WSR 09-17-132</u>) to more broadly update the rule. The rulemaking stalled and ultimately resumed in 2017. In 2018, Board staff completed a background report<sup>1</sup> to help guide the rulemaking and restarted work on the rule with emphasis on stakeholder outreach, research, and rule writing. In fall 2019, the Board filed a new CR-101, <u>WSR 19-21-018</u>, to better align the rulemaking with Board policy direction. In early 2020, the Board distributed a draft rule for public review, processed the feedback, and revised the draft. In November 2020, staff updated the Board on the rulemaking. The Board directed staff to file a CR-102, Proposed Rulemaking.

Domestic animal waste presents many challenges that are often well-managed by people. However, situations arise where waste accumulates or is mishandled in ways that create a nuisance or health hazard and action is needed to address and correct the problem. The proposed rule establishes minimum standards intended to help prevent, control, and abate health hazards and nuisance associated with the handling and disposal of domestic animal waste. This includes waste from livestock such as horses and cattle, and waste from non-livestock such as dogs and cats.

The proposed rule includes standards to:

- Avoid unsanitary accumulations of waste in containment areas;
- Prevent contamination of other people's property, drinking water sources, and surface water bodies with potential to affect human health;
- Promote safe handling and disposal of non-livestock waste; and
- Promote safe stockpiling of livestock waste.

The proposed rule is not an operational Board rule involving ongoing implementation and frontline regulation of facilities and systems (e.g., Board rules for food establishments, shellfish

<sup>&</sup>lt;sup>1</sup> Washington State Board of Health. 2018. <u>Keeping of Animals Background and Policy Recommendations of the</u> Washington State Board of Health for Revising WAC 246-203-130.

operations, water recreation facilities, on-site sewage systems, and drinking water systems). Instead, like the companion sanitation rule on disposal of dead animals (<u>WAC 246-203-121</u>), this proposed rule sets animal waste standards for people to follow that may be locally enforced by a local health officer if needed.

The proposed rule aims to focus squarely on domestic animal waste. It intersects other rules and practices associated with solid waste and manure management but largely stops short of waste and beneficial-use streams regulated by other agencies. Due to the narrow focus on animal waste, the rule includes a proposed title change from Keeping of Animals to Domestic Animal Waste to more accurately reflect and implement Board authority regulating animal excreta.

Costs complying with the proposed rule apply only to businesses not already meeting the standards, and are limited to the incremental cost of complying, not the total cost of animal waste handling and disposal. For such businesses, professional services may include waste collection and disposal, engineering and other technical assistance changing waste handling and manure management practices to prevent contamination of properties and water resources, and technical assistance changing stockpiling practices or possibly converting to alternate waste storage practices.

## SECTION 2: Identify which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS) codes and what the minor cost thresholds are.

The following North American Industry Classification System (NAICS) codes identify the types of businesses that are required to comply with the proposed rule along with the calculated minor cost thresholds.<sup>2,3</sup>

NAICS Code 541940, Description "Veterinary Services", # of businesses in WA "970", Minor Cost Threshold (MCT) (1% average annual payroll) "\$5,775.24", MCT (0.03% annual receipts) "\$4,209.02"

NAICS Code 812910, Description "Pet Care Services", # of businesses in WA "1,696", Minor Cost Threshold (MCT) (1% average annual payroll) "\$1,489.05", MCT (0.03% annual receipts) "\$402.47"

NAICS Code 453910, Description "Pet and Pet Supplies Stores", # of businesses in WA "301", MCT (1% average annual payroll) "\$3,453.20", MCT (0.03% annual receipts) "\$5,022.53"

NAICS Code 562111, Description "Solid Waste Collection", # of businesses in WA "190", MCT (1% average annual payroll) "\$11,022.24", MCT (0.03% annual receipts) "\$26,702.06"

<sup>&</sup>lt;sup>2</sup> U.S. Census Bureau, <u>North American Industry Classification System</u> (NAICS).

<sup>&</sup>lt;sup>3</sup> Governor's Office for Regulatory Innovation and Assistance, Regulatory Fairness Act Tools & Guidance, <u>Minor</u> <u>Cost Threshold Calculator</u>.

NAICS Code 713990, Description "All Other Amusement and Recreation Industries"<sup>4</sup>, # of businesses in WA "1,130", MCT (1% average annual payroll) "\$1,817.98", MCT (0.03% annual receipts) "\$1,142.49"

NAICS Code 611620, Description "Sports and Recreation Instruction"<sup>5</sup>, # of businesses in WA "1,075", MCT (1% average annual payroll) "\$1,451.98", MCT (0.03% annual receipts) "\$633.96"

NAICS Code 1121, Description "Cattle Ranching and Farming", # of businesses in WA "534", MCT (1% average annual payroll) "\$3,657.58", MCT (0.03% annual receipts) "\$3,864.14"

<u>NAICS Code 1122</u>, Description "Hog and Pig Farming", # of businesses in WA "9", MCT (1% average annual payroll) "redacted", MCT (0.03% annual receipts) "\$169.89"

NAICS Code 1123, Description "Poultry and Egg Production", # of businesses in WA "46", MCT (1% average annual payroll) "\$5,316.15", MCT (0.03% annual receipts) "\$10,431.86"

<u>NAICS Code 1124</u>, Description "Sheep and Goat Farming", # of businesses in WA "36", Minor Cost Threshold (MCT) (1% average annual payroll), "redacted", MCT (0.03% annual receipts) "\$586.22"

NAICS Code 112920, Description "Horse and Other Equine Production", # of businesses in WA "50", MCT (1% average annual payroll) "\$621.54", MCT (0.03% annual receipts) "\$359.84"

NAICS Code 112990, Description "All Other Animal Production"<sup>6</sup>, # of businesses in WA "171", MCT (1% average annual payroll) "\$499.58", MCT (0.03% annual receipts) "\$468.09"

NAICS Code 112930, Description "Fur-Bearing Animal and Rabbit Production", # of businesses in WA "6", MCT (1% average annual payroll) "\$99.20", MCT (0.03% annual receipts) "\$245.06"

NAICS Code 115210, Description "Support Activities for Animal Production"<sup>7</sup>, # of businesses in WA "628", MCT (1% average annual payroll) "\$925.53", MCT (0.03% annual receipts) "\$416.80"

NAICS Code 424520, Description "Livestock Merchant Wholesalers", # of businesses in WA "15", MCT (1% average annual payroll) "\$2,415.61", MCT (0.03% annual receipts) "\$4,366.41" NAICS Code 424590, Description "Other Farm Product Raw Material Merchant Wholesalers"<sup>8</sup>, # of businesses in WA "26", MCT (1% average annual payroll) "\$3,684.24", MCT (0.03% annual receipts) "\$6,733.79"

#### **SECTION 3:**

Analyze the probable cost of compliance. Identify the probable costs to comply with the proposed rule, including cost of equipment, supplies, labor, professional services and increased administrative costs; and whether compliance with the proposed rule will cause businesses to lose sales or revenue.

<sup>&</sup>lt;sup>4</sup> Includes recreational riding, horse rentals, and outfitters

<sup>&</sup>lt;sup>5</sup> Includes horse riding instruction and academies.

<sup>&</sup>lt;sup>6</sup> Includes dog, cat, alpaca, llama, bison production and breeding.

<sup>&</sup>lt;sup>7</sup> Includes horse boarding and training.

<sup>&</sup>lt;sup>8</sup> Includes horses and mules.

#### **Cost Survey**

The Board developed a cost survey of Washington businesses to determine if they face any new costs as a result of this proposed rule and if so to then identify and describe one-time costs and recurring annual costs to comply with the significant standards of the proposed rule. Potential costs include equipment, supplies, material, labor, professional services, increased administration, and other costs. One-time costs are costs that occur only once, such as a one-time purchase of equipment. Annual costs are costs that occur on a recurring basis once per year. Recurrent costs are costs that occur multiple times for a specified interval.

Board staff twice distributed the cost survey via e-mail to Washington businesses covering 16 North American Industry Classification System (NAICS) codes. The survey went to 800 Washington businesses in the first distribution followed by 1,000 businesses in the second distribution. The second distribution included the original 800 businesses. The survey covered such businesses as horse stables, livestock producers, dog kennels/groomers, animal hospitals, animal breeders, livestock markets, and equestrian centers. The Board posted the cost survey on its rulemaking webpage for a total of six weeks. The Board asked approximately 30 organizations and one state agency to help distribute the survey to raise awareness of the rulemaking and to get broader reach with the survey.

The Board received a total of 41 responses to the cost survey. Cost survey results included 4 businesses that identified cost impacts, 24 businesses that indicated no costs, and 13 with unspecified responses. <sup>9</sup> In total, 37 of 41 respondents identified no cost impact or provided no cost information. Table 1 presents a summary of survey responses and the range of cost impacts for the individual proposed standards. Overall, respondents indicated applicable, potential costs for six of seven proposed standards included in this analysis. Cost impacts of individual proposed standards are discussed after the table.

In the following discussion of cost impacts, a cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for miscellaneous compliance needs. The Board was unable to determine whether the respondent was indicating an estimate of overall cost impacts of the proposed rule or cost impacts of individual proposed standards. The Board considered the costs in the cost/benefit analysis in compliance with RCW 34.05.328 for significant legislative rules, also referred to as a Significant Analysis. The Board considered the costs only once in the Significant Analysis and in each section of this Small Business Economic Impact Statement (SBEIS) but notes that this could be duplication of costs and a potential overestimate of costs to comply with individual standards.

		•
Number of		
businesses contacted	1,000	
Number of survey		
responses	41	
Number of surveys		
indicating costs	4	

Table 1: Cost survey response summary

<sup>&</sup>lt;sup>9</sup> Includes responses that, for example, did not return the cost survey, did not specify dollar amounts, or provided non-specific comments (e.g. "not sure how it would impact me").

Number of surveys					
indicating no costs	24				
Number of surveys					
with unspecified					
responses	13				
Tesponses	15	Einst maan aan	4.4.0.00 mm lay are 4.4		
			t to comply with		
	" 0	propos	sed rule <sup>10</sup>	-	
	# Survey			Momili	>
Proposed Standard	Respondents	Low Cost	High Cost	<b>MCT</b> <sup>11</sup>	$MCT^{12}$
WAC 246-203-					
130(3)(a)					
Collect waste in					
containment areas	4	\$500	\$116,000	\$169.89	Y
WAC 246-203-					
130(3)(b)(i) and (iii)					
Do not contaminate					
properties, surface		<b>**</b>	<b>*-- * *</b>		
water bodies	2	\$2,500	\$75,000	\$169.89	Y
WAC 246-203-					
130(3)(c)(i)					
Safely store non-					
livestock waste	0	no cost	no cost	N/A	N
WAC 246-203-					
130(3)(c)(ii)					
Bag/dispose non-					
livestock waste as					
solid waste	1	\$100	\$100	\$568.22	N
WAC 246-203-					
130(3)(d)(iii)(D)					
Stockpile livestock					
waste $> 100$ feet of		<b>.</b>			<b>.</b>
surface water body	2	\$2,500	\$260,000	\$169.89	Y
WAC 246-203-					
130(3)(d)(iii)(D)(II)					
Allow livestock waste					
stockpile < 100 feet of					
surface water body if					
mitigated by	~	<b>#2 7</b> 00	<b>#114 000</b>	¢1.00.00	<b>X</b> 7
practice(s)	2	\$2,500	\$114,000	\$169.89	Y
WAC 246-203-					
130(3)(d)(iii)(E)					
Remove livestock					
waste stockpile prior	~	<b>#2 7</b> 00	<b>#07 5</b> 00	¢1.00.00	<b>X</b> 7
to flooding	2	\$2,500	\$27,500	\$169.89	Y

<sup>&</sup>lt;sup>10</sup> Costs are not intended to be summed across rows but analyzed individually and in some cases represent costs to different businesses. First year cost to comply with proposed rule is presented per survey respondent and is the summation of the first year of annual recurrent cost plus one-time cost.

summation of the first year of annual recurrent cost plus one-time cost. <sup>11</sup> Derived from the lowest "minor cost threshold" (MCT) for the affected industry(s). Respondents self-identified their NAICS industry code(s). The value listed in this column is the lowest MCT for those affected industries. <sup>12</sup> Derived by comparing the highest cost impact to a business with the lowest MCT.

## WAC 246-203-130(3)(a) Collect domestic animal waste at intervals sufficient to maintain sanitary conditions in containment areas.

<u>Description</u>: This proposed standard requires people to collect animal waste frequently enough to avoid unsanitary accumulations in containment areas. The rule defines "containment areas" as areas where domestic animals are held, housed, or kept for a period of time, including but not limited to stables, corrals, confinement areas, kennels, pens, and yards. The proposed standard applies to waste from livestock and non-livestock animals.

<u>Cost</u>: Most survey respondents (37/41) indicated no cost impacts for this proposed standard. Four survey respondents identified cost impacts. A sheep/goat farming facility identified a recurring annual cost of \$500 for labor, fuel, and equipment. A pig farming/wholesale facility identified a one-time cost of \$58,000 and recurring annual costs of \$58,000 for unidentified needs and concerns related to compliance/enforcement. A horse boarding/riding/instruction facility identified a past one-time cost of \$9,000 to remove a manure pile and ongoing manure disposal costs of \$5,000/month to comply with county regulation (no indication of new costs). And a cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

Staff research for the cost-benefit analysis of the Significant Analysis identified potential incremental costs for equipment, supplies, and labor depending on the situation, waste volumes, and other factors. Equipment needs, for example, range from small-scale tools and equipment such as shovels, buckets and spreaders that run less than \$100 to \$1,000s, to large scale industrial equipment such as tractors and related attachments that can exceed \$100,000.<sup>13</sup>

## WAC 246-203-130(3)(b) Handle domestic animal waste to prevent deposition, leaching, and runoff to (i) another person's property, and (iii) surface water bodies used for swimming, shellfish harvesting, or other activity with potential to affect human health.

<u>Description</u>: The proposed standards require people to handle animal waste to prevent deposition, leaching, and runoff to another person's property and to surface water bodies where there are activities/uses with potential to affect public health. The proposed standards are addressed jointly because the many associated practices, pollution pathways, and possible impacts are nearly identical. The proposed standards would typically apply to neighboring properties and surface water bodies, but conceivably could apply more widely depending on transport mechanisms such as wind and water. The proposed standards apply broadly to animal waste handling and are not limited to practices listed in the rule.

<u>Cost</u>: Most survey respondents (39/41) indicated no cost impacts for the proposed standards. Two survey respondents identified cost impacts. A pig farming/wholesale facility identified a

<sup>&</sup>lt;sup>13</sup> Washington State Board of Health. 2021. Significant Legislative Rule Analysis, WAC 246-203-130, a Rule Concerning Keeping of Animals, Revising the Section Title to Domestic Animal Waste.

one-time cost of \$48,000 and recurring annual costs of \$27,000 for unidentified needs and concerns related to legal counsel and agency consultations. And a cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

Staff research for the cost-benefit analysis of the Significant Analysis determined that potential incremental costs for the proposed standards are indeterminate, case-by case given that they potentially involve numerous waste handling practices and pollution pathways.<sup>13</sup>

## WAC 246-203-130(3)(c)(i) Hold non-livestock waste in a watertight container if stored for more than one day prior to proper disposal.

<u>Description</u>: This proposed standard requires people to hold waste from non-livestock animals in a watertight container, such as plastic bags and enclosed trash bins, if stored for more than a day prior to disposal.

<u>Cost</u>: In the cost survey, no respondents indicated costs associated with this proposed standard. However, one dog boarding facility noted potential costs if required to purchase special waste bins or dumpsters to replace existing waste bins provided by its private waste disposal company. Staff research for the cost-benefit analysis of the Significant Analysis determined that potential costs are equipment, supplies, and labor. Trash bins and bags are generally less than \$100 in onetime costs and require periodic replacement of bins. Total cost depends on waste volumes and holding needs.<sup>13</sup>

#### WAC 246-203-130(3)(c)(ii) Bag and dispose of non-livestock waste as solid waste.

<u>Description</u>: This proposed standard requires people to bag and dispose of waste from nonlivestock animals as solid waste.

<u>Cost</u>: Most survey respondents (40/41) indicated no cost impacts for this proposed standard. One survey respondent identified cost impacts. A goat/sheep farming facility identified a recurring annual cost of \$100 for bags and collection labor. The proposed standard does not apply to goat, sheep, and other livestock waste, so the Board assumes this cost estimate is for waste from non-livestock associated with the business or business owner.

The Board assumes nominal costs as most businesses already meet the proposed standard. Staff research for the cost-benefit analysis of the Significant Analysis determined that potential incremental costs are disposal services, equipment, supplies, and labor. Solid waste disposal options include curbside collection and self-haul landfill service. Rates vary and are generally less than \$100 for monthly residential service, more for commercial service. Total costs depend mainly on disposal rates and waste volumes.<sup>13</sup>

## WAC 246-203-130(3)(d)(iii)(D) Site stockpiled livestock waste one hundred feet or more from a surface water body. (see exception that follows)

<u>Description</u>: If waste from livestock is stockpiled for later use or disposal, this standard requires people to site the stockpile one hundred feet or more from a surface water body. The standard assumes unmitigated stockpiling on bare ground on a short-term basis between collection and use.

<u>Cost</u>: Most survey respondents (39/41) indicated no cost impacts for this proposed standard. Two respondents identified cost impacts. A pig farming/wholesale facility identified a one-time cost of \$210,000 and recurring annual costs of \$50,000 for needs and concerns related to constructing a manure lagoon or selling land to comply with the standard. While a landowner may choose to comply in this manner, the proposed standard applies to stackable waste (not lagoon storage) and allows reductions to the setback if control/treatment practices are applied. Therefore, the Board anticipates that the cost impacts will likely be lower than estimated. And a cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

Staff research for the cost-benefit analysis of the Significant Analysis determined that potential incremental costs for this proposed standard are indeterminate, case-by-case, affecting people who stockpile livestock waste near surface water bodies or plan to do so in the future.<sup>13</sup>

## WAC 246-203-130(3)(d)(iii)(D)(II) Site stockpiled livestock waste one hundred feet or more from a surface water body unless the surface water body is protected by one or more control or treatment practices that capture and prevent leachate and runoff.

<u>Description</u>: If waste from livestock is stockpiled for later use or disposal, this exception to WAC 246-203-130(3)(d)(iii)(D) allows reduction of the 100-foot setback from surface water bodies when treatment or control practices are applied to mitigate runoff and leachate. The proposed standard allows people to determine the appropriate practice(s), and existing, functioning controls satisfy this proposed standard.

<u>Cost</u>: Most survey respondents (39/41) indicated no cost impacts for this proposed standard. Two respondents identified cost impacts. A pig farming/wholesale facility identified a one-time cost of \$95,000 and recurring annual costs of \$19,000 for needs and concerns related to engineering services, local permitting, and legal counsel. And a cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

Staff research for the cost-benefit analysis of the Significant Analysis determined that potential incremental costs are equipment, materials, and labor to install and maintain alternate practices to mitigate runoff and leachate from stockpiles. Optional practices range from storage pads and

covers to stacking and composting structures. Costs range broadly (\$100s to \$1,000s and up) depending on the practice(s), waste volumes, and other factors.<sup>13</sup>

## WAC 246-203-130(3)(d)(iii)(E) Site stockpiled livestock waste outside seasonally or frequently flooded areas unless used or disposed of prior to flooding.

<u>Description</u>: If waste from livestock is stockpiled for later use or disposal, this proposed standard prohibits siting stockpiles in seasonally or frequently flooded areas unless the stockpile is used or disposed of prior to flooding to prevent saturation and inundation of stockpiles.

<u>Cost</u>: Most survey respondents (39/41) indicated no cost impacts for this proposed standard. Two respondents identified cost impacts. A pig farming/wholesale facility identified a one-time cost of \$17,000 and recurring annual costs of \$10,500 for needs and concerns related to inefficient and unscheduled movement of stockpiles. And a cattle/dairy farming facility identified a one-time cost of \$500 and recurring annual costs of \$2,000 for record keeping, legal counsel, rule analysis, meeting with interested parties, and other miscellaneous compliance needs.

The Board assumes nominal costs for businesses already using or disposing such piles. Staff research for the cost-benefit analysis of the Significant Analysis determined that costs to remove/reuse stockpiles are indeterminate, case-by-case. Where possible, stockpiles are generally managed/recycled on site. Costs for off-site movement generally involve higher costs for loading, transport, and disposal. Sample disposal costs range between \$38 and \$168 per ton.

#### **Summary of Compliance Costs**

The proposed standards involve practices that the Board believes most businesses already do when handling and disposing domestic animal waste. Results of the cost survey support this with 37 of 41 responses across industries specifically identifying no cost impact or not indicating any cost impact. Of the 4 responses that identified cost impacts, 1 response identified past and existing costs that would be unaffected by the proposed rule, and 3 responses identified new costs to comply with the proposed rule.

In instances where additional work is needed to comply with the proposed standards, there may be costs for equipment, supplies, material, and labor to regularly collect and safely store and dispose of animal waste to prevent or abate health hazards and nuisance. For large-scale operations, the volume of waste and the related management challenges and cost impacts are potentially much higher. The overall incremental cost impact of the proposed rule is indeterminate for properties and operations statewide and would be unique in each situation.

#### Loss of Sales or Revenue

There is no evidence or indication that the proposed rule will result in loss of sales or revenue.

## **SECTION 4:** Analyze whether the proposed rule may impose more than minor costs on businesses in the industry.

The minor cost thresholds for the businesses identified in Section 2 range from a high of \$26,702.06 (.003 of annual receipts of solid waste collection) to a low of \$169.89 (.003 of annual receipts of hog and pig farming). Based on the analysis in Section 3, the rule will impose more than minor costs on businesses potentially impacted by this proposed rule.

#### SECTION 5: Determine whether the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule.

Cost information from the cost survey is limited and is supported by additional cost information from the cost-benefit analysis of the Significant Analysis. Costs outlined in Section 3 of this SBEIS and in the Significant Analysis apply to businesses of all sizes across a range of industries that involve animal waste handling and disposal. Based on the available information, the Board believes the proposed rule will likely have a disproportionate impact on small businesses.

## SECTION 6: If the proposed rule has a disproportionate impact on small businesses, identify the steps taken to reduce the costs of the rule on small businesses. If the costs can not be reduced provide a clear explanation of why.

Most businesses already meet the basic standards and practices outlined in the proposed rule as evidenced by 37 of 41 survey responses indicating no cost impacts. For those that do not already meet the proposed standards there may be new costs to comply with the proposed rule. The Board will provide information to address a significant misconception and explain the fact that the proposed rule does not include any operational functions or requirements that could generate or increase costs for businesses, such as record keeping, routine inspections, permitting, and reporting.

## SECTION 7: Describe how small businesses were involved in the development of the proposed rule.

The Board worked with numerous, agencies, individuals and organizations during the stakeholdering and rule-drafting stages—many representing affected businesses and small businesses. The rule writing involved two in-person stakeholder meetings and review of informal versions followed by distribution of a public review draft aimed at soliciting broader stakeholder

feedback. As described in Section 3 of this SBEIS, the cost survey was distributed broadly to 1,000 businesses and numerous associations to help raise awareness of the rulemaking and to invite feedback on cost impacts of the proposed rule.

## **SECTION 8:** Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule.

There is no evidence that any jobs will be created or lost as a result of compliance with the proposed rule.

#### **Board Authority**

#### RCW <u>43.20.050</u>

## Powers and duties of state board of health—Rule making—Delegation of authority—Enforcement of rules.

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules for group A public water systems, as defined in RCW **70A.125.010**, necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants;

(b) Adopt rules as necessary for group B public water systems, as defined in RCW <u>70A.125.010</u>. The rules shall, at a minimum, establish requirements regarding the initial design and construction of a public water system. The state board of health rules may waive some or all requirements for group B public water systems with fewer than five connections;

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

(d) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, and

cleanliness in public facilities including but not limited to food service establishments, schools, recreational facilities, and transient accommodations;

(e) Adopt rules for the imposition and use of isolation and quarantine;

(f) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule; and

(g) Adopt rules for accessing existing databases for the purposes of performing health related research.

(3) The state board shall adopt rules for the design, construction, installation, operation, and maintenance of those on-site sewage systems with design flows of less than three thousand five hundred gallons per day.

(4) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(5) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he or she shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(6) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

[ <u>2021 c 65 § 37; 2011 c 27 § 1; 2009 c 495 § 1; 2007 c 343 § 11; 1993 c 492 §</u> <u>489; 1992 c 34 § 4</u>. Prior: <u>1989 1st ex.s. c 9 § 210; 1989 c 207 § 1; 1985 c 213</u> <u>§ 1; 1979 c 141 § 49; 1967 ex.s. c 102 § 9; 1965 c 8 § 43.20.050; prior: (i) 1901</u> <u>c 116 § 1; 1891 c 98 § 2; RRS § 6001. (ii) 1921 c 7 § 58; RRS § 10816.]</u>

# WASHINGTON STATE

Date: June 8, 2022

To: Washington State Board of Health Members

From: Michelle Davis, Executive Director

Subject: 2022 Draft State Health Report

#### Background and Summary:

RCW 43.20.100 requires the Washington State Board of Health (Board) to develop a State Health Report by July 1 of each even-numbered year. The report includes "suggestions for public health priorities for the following biennium and such legislative action as it deems necessary." Staff worked with Board members to identify potential topics to include in the 2022 report.

Recommendations in the draft 2022 report include, but are not limited to:

- Enhancing interoperability of data systems to facilitate the collection, analysis, and storage of uniform, disaggregated demographic data in alignment with the state's pro-equity and anti-racism plan.
- Expanding access to health insurance for individuals at least 19 years of age who are income-eligible, regardless of immigration status.
- Conducting a baseline report regarding current access to culturally and linguistically appropriate health services in Washington and recommendations for improvement.
- Lifting the suspension of the school environmental health and safety rules and prioritizing investments to address indoor air quality and climate change
- Prohibiting the sale of all flavored nicotine and tobacco products, including vapor products, to reduce the appeal of these products by youth and young adults.
- Continuing and expanding foundational public health investments in the 2023-2025 biennium as well as future biennia to fully fund and implement foundational public health services across Washington

Board staff have started to engage community groups and public health practitioners to understand their most pressing public health topics. Today I ask the Board to allow staff additional time to incorporate community voice and input from public health partners into the 2022 State Health Report prior to review and approval by the Board.

#### **Recommended Board Actions:**

The Board may wish to consider and amend, if necessary, the following motion:

Washington State Board of Health June 8, 2022 Meeting Memo Page 2 The Board directs staff to continue to dow

The Board directs staff to continue to develop the 2022 State Health Report, in consultation Board members, public health partners, and community groups, and present a final draft for the Board's consideration at its August 2022 meeting.

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at <u>kelie.kahler@sboh.wa.gov.</u> TTY users can dial 711.

> PO Box 47990 • Olympia, WA 98504-7990 360-236-4110 • <u>wsboh@sboh.wa.gov</u> • <u>sboh.wa.gov</u>



Date: June 8, 2022

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

**Subject:** Policy Review, Policy 2015-001, Responding to Complaints Against a Local Health Officer or Administrative Officer

#### Background and Summary:

Under RCW 70.05.120, any person may file a complaint with the State Board of Health (Board) concerning the failure of the local health officer or administrative officer to properly carry out public health laws under chapters 70.05, 70.24, and 70.46 RCW and Board rules.

The Board previously adopted Policy 2015-001, Responding to Complaints Against a Local Health Officer or Administrative Officer, which establishes the procedure by which the Board will handle complaints under RCW 70.05.120.

Current policy states that when a complaint is received, the Board determines whether the complaint falls within its authority to review and, if so, whether it merits further action. If it is determined that the complaint merits further action, the Board may request a preliminary investigation be completed by members and/or staff. Following the completion of a preliminary investigation, the Board will hear the results of the investigation at a public meeting and may take action, including scheduling a hearing in accordance with the Administrative Procedures Act (APA).

Since adoption of the policy, the Board has received and heard three complaints. In reviewing these complaints, staff have identified potential gaps in the policy that need updating. Areas for possible update include clarification on who may conduct a preliminary investigation, removing gendered language, clarification of the Board sponsor role, and increased specificity about who may serve as the presiding officer for a hearing. The goal of these recommendations is to provide additional transparency and clarification on how the Board will process complaints received against local health officers or health administrators in accordance with RCW 70.05.120.

#### **Recommended Board Actions**

The Board may wish to consider, and amend, if necessary, one of the following motions:

The Board adopts the proposed revisions to Policy 2015-001, Responding to Complaints Against a Local Health Officer or Health Administrator.

Washington State Board of Health June 8, 2022 Meeting Memo Page 2

The Board directs staff to make additional revisions based on the discussion today by members and return with recommended revisions at a future meeting.

#### Staff

Samantha Pskowski

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at kelie.kahler@sboh.wa.gov. TTY users can dial 711.

PO Box 47990 • Olympia, WA 98504-7990 360-236-4110 • <u>wsboh@sboh.wa.gov</u> • <u>sboh.wa.gov</u>

#### Washington State Board of Health Policy & Procedure

Draft Policy Number:	2015-001
Subject:	Responding to Complaints Against a Local Health Officer or Administrative Officer
Approved Date:	January 14, 2015

#### **Policy Statement**

RCW 70.05.120 allows any person to file a complaint with the Washington State Board of Health (board) alleging the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health. The board shall review complaints that allege a local health officer, or administrative officer, has refused or neglected to obey or enforce the provisions of chapters 70.05, 70.24 and 70.46 RCW, and the state board of health rules or orders. The board will review a complaint to determine whether it merits a preliminary investigation. The board may dismiss a complaint that is beyond the scope of RCW 70.05.120, lacks sufficient information to support a preliminary investigation, or is frivolous in nature. If the board determines a preliminary investigation is warranted, the board shall assign members and/or staff to conduct a preliminary investigation and to report their findings to the board. The board will then review the findings of the investigation and make a final determination regarding the complaint.

#### **Procedure**

1) Complaint Review and Notifications: Board staff, in consultation with the Executive Director, will respond to the complainant within five business days acknowledging receipt of the complaint. The Executive Director or staff will notify Board members that a complaint has been received and will be brought to the Board for review at the next regularly scheduled board meeting. If no regular meeting is scheduled within 60 days of receipt of the complaint, or if the agenda for the regular meeting cannot accommodate review of the complaint, the Executive Director will notify the Chair of the need to schedule a special board meeting for the purpose of reviewing the complaint. The Executive Director also shall notify the subject local health official and will provide a copy of the complaint for his or her information and review, and inform the official that he or she may provide a written response to the complaint if he or she so chooses. The Executive Director shall notify the complainant and the subject local health official of dates and times that the Board is scheduled to review or discuss the complaint. As part of the initial review, the Board will determine whether a complaint falls within its authority to review, and whether the complaint merits further action.

- 2) Preliminary Investigation: If the Board determines that a complaint is within the scope of RCW 70.05.120, and merits further review, the Board may direct members and/or staff to conduct a preliminary investigation. The Board may designate a sponsor to oversee staff activities. The preliminary investigation will include, but may not be limited to: a review of relevant statutory and rule authorities; gathering other background information and evidence; and interviewing the complainant, witnesses, or named parties/individuals regarding the complainant's allegations. Background information includes, but is not limited to, laws, rules, court decisions, and documents submitted by the complainant and local health jurisdiction, and other state or local entities involved in the complaint. Board staff may interview witnesses, any parties named or implicated in the complaint, consult with content or industry experts, and consult with appropriate representatives of named or implicated agencies, and others as appropriate. The Board may request the Department of Health to provide assistance in conducting the preliminary investigation.
- 3) Findings: The sponsor and board staff assigned to conduct the investigation shall present the findings of the preliminary investigation and a recommendation for Board consideration at a regular board meeting. As described above, board staff shall notify the complainant and subject local health official of the date and time of the board meeting at which the Board will review findings, and may request that they provide comment.
- 4) Determination: Based on the findings of the preliminary investigation, the board will make a determination regarding the complaint. For example, it may request further information if it cannot reach a conclusion based on the results of the preliminary investigation; close the complaint if it concludes that the local health officer or administrative officer did not fail to obey or enforce the provisions of chapter 70.05, 70.24 or 70.46 RCW, or the state board of health rules or orders; or, if it determines that the local health officer or administrative officer failed to obey or enforce the provisions of chapter 70.05, 70.24 or 70.46 RCW, or the state board of health rules or orders; or, if it determines that the local health officer or administrative officer failed to obey or enforce the provisions of chapter 70.05, 70.24 or 70.46 RCW, or the state board of health rules or orders; direct the officer to remedy the failure; or, if necessary, hold a hearing under chapter 34.05 RCW regarding the officer's removal.
- 5) **Hearing:** If the Board determines that a hearing is necessary, it will be held pursuant to the provisions of chapter 34.05 RCW.

#### Washington State Board of Health Policy & Procedure

Draft Policy Number:	2015-001
Subject:	Responding to Complaints Against a Local Health Officer or Administrative Officer <u>Under RCW</u> 70.05.120
Approved Date:	January 14, 2015

#### **Policy Statement**

RCW 70.05.120 allows any person to file a complaint with the Washington State Board of Health (boardBoard) alleging the failure of the local health officer or administrative officer to carry out the laws or the rules and regulations concerning public health. The board shallwill review complaints that allege a local health officer, or administrative officer, has refused or neglected to obey or enforce the provisions of chapters 70.05, 70.24 and 70.46 RCW, and the state board of healthor Board rules or orders. The board will review a complaint to determine whether it merits a preliminary investigation. The board may dismiss a complaint that is beyond the scope of RCW 70.05.120, lacks sufficient information to support a preliminary investigation, or is frivolous in nature. If the board determines a preliminary investigation is warranted, the board shallwill assign members and/staff or staffa third-party investigator, as appropriate, to conduct a preliminary investigation and to report their findings to the boardBoard. The boardBoard will then review the findings of the investigation and make a final determination regardingdetermine how to proceed. The Board may determine that further information is necessary, close the complaint<del>c, or hold a hearing based on the findings of the preliminary investigation.</del>

#### **Procedure**

1) Complaint Review and Notifications: Board staff, in consultation with the Executive Director, will respond to the complainant within five business days acknowledging receipt of the complaint. The Executive Director or staff will notify Board members that a complaint has been received and will be brought to the Board for review at the next regularly scheduled board meeting. If no regular meeting is scheduled within 60 days of receipt of the complaint, or if the agenda for the regular meeting cannot accommodate review of the complaint, the Executive Director will notify the Chair of the need to schedule a special board meeting for the purpose of reviewing the complaint. The Executive Director will also shall notify the subject local health official and will provide a copy of the complaint for his or hertheir information and review, and inform the official that he or shethey may provide a written response to the complaint if he or shethey so chooseschoose. The Executive Director shallwill notify the complainant and the subject local health official of dates and times that the Board is scheduled to review or discuss

the complaint. As part of the initial review, the Board will determine whether a complaint falls within its authority to review, and whether the complaint merits further action. <u>Multiple complaints against the same official(s) about the same subject matter will be consolidated for review.</u>

- 2) **Preliminary Investigation:** If the Board determines that a complaint is within the scope of RCW 70.05.120, and merits further review, the Board may direct members and/or staff to conduct a preliminary investigation. The Board may designate identify a sponsorboard member to oversee be available for consultation with staff activities. The during the preliminary investigation. This Board member will recuse themselves as necessary from further participation in resolution of the complaint. The Board may direct staff to hire a third-party investigator to conduct the preliminary investigation when necessary to avoid a potential conflict of interest with the Board.- The preliminary investigation may include, but may not be limited to: a review of relevant statutory and rule authorities; gathering other background information and evidence; and interviewing the complainant, witnesses, or named parties/individuals regarding the local health official named in the complaint, and others regarding the complainant's allegations. Background information includes, but is not limited to, laws, rules, court decisions, and documents submitted by the complainant and local health jurisdiction official named in the complaint, and other state or local entities involved in the complaint. Board staff may interview witnesses, any parties named or implicated in the complaint, In addition to conducting interviews, the individual(s) designated to conduct the investigation may consult with content or industry experts, and consult with appropriate representatives of named or implicated agencies, and others as appropriate. The Board may request the Department of Health to provide assistance in conducting the preliminary investigation.
- 3) Findings: The sponsor and boardBoard staff or a third-party investigator assigned to conduct the investigation shallwill present the findings of the preliminary investigation and a recommendation for Board consideration at a regular board meeting. As described above, board staff shallwill notify the complainant and subject local health official of the date and time of the board meeting at which the Board will review findings. The complainant and may request that they local health official named in the complaint will be given the opportunity to provide comment at the meeting.
- 4) Determination: <u>Review of Findings</u> Based on the findings of the preliminary investigation, the <u>boardBoard</u> will <u>make a determination regarding the complaintdetermine how to proceed</u>. For example, it may request further information if it cannot reach a conclusion based on the results of the preliminary investigation; close the complaint if it concludes that the local health officer or administrative officer did not-fail refuse or fail to obey or enforce the provisions of chapter 70.05, 70.24 or 70.46 RCW, or the state board of health <u>Board</u> rules, regulations, or orders; or, if it determines that the local health officer or administrative officer the provisions of chapter 70.05, 70.24 or 70.46 RCW, or the state board of health rules or orders, direct the officer to remedy the failure; or, if necessary, hold a hearing under the Administrative

<u>Procedure Act (APA), chapter 34.05 RCW regarding the officer's removal to determine if</u> the local officer is guilty of the alleged acts.

5) **Hearing:** If the Board determines that a hearing is necessary, it will be held pursuant to the provisions of chapter 34.05 RCW.

**Hearing:** If a hearing is called, the Board will designate a presiding officer for the proceedings in accordance with RCW 34.05.425. The Board, members of the Board, or an Administrative Law Judge (ALJ) with the Office of Administrative Hearings (OAH) may serve as the presiding officer. If an ALJ is designated, the scope of their duties will be determined at that time. If an ALJ is involved, OAH will schedule the proceedings. The proceedings will be conducted in accordance with the APA and applicable procedural rules.

# WASHINGTON STATE

Date: June 8, 2022

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

**Subject:** Rulemaking Petition – Chapter 246-105 WAC, Immunization of Child Care and School Children for Vaccine Preventable Diseases

#### Background and Summary:

The Administrative Procedures Act (RCW 34.05.330) allows any person to petition a state agency to request adoption, amendment, or repeal of any rule. Upon receipt of a petition, the agency has sixty days to either (1) deny the petition in writing stating the reasons and, as appropriate, offer other means for addressing the concerns raised by the petitioner, or (2) accept the petition and initiate rulemaking.

On May 16, 2022, the Board received a petition for rulemaking from Kenneth Harp requesting amendment to chapter 246-105 WAC, Immunization of Child Care and School Children for Vaccine Preventable Diseases. Specifically, the petitioner requests that the Board amend WAC 246-105-070 to include language requiring health care providers administering immunizations to ensure informed consent is obtained prior to administering a vaccine with an Emergency Use Authorization and/or any product that has not completed Stage III Clinical Safety Trials. The petitioner further requests that the rules clarify that informed consent is consistent with the Nuremburg Code, UNESCO, the World Medical Association's Declaration of Helsinki, the guidelines of the Council for International Organizations of Medical Services and the International Covenant on Civil and Political Rights. The petitioner further states that these documents forbid medical experimentation without consent.

The Board's authority under RCW 28A.210.140 requires the Board to adopt rules to establish the procedural and substantive requirements for full immunization. These rules are set forth in chapter 246-105 WAC, which defines the diseases that children must be protected against and the documentation options to meet these requirements. WAC 246-105-070, requires a health care provider who administers immunizations, or their organization, to provide a patient or parent a medically verified immunization record containing certain information. This section mirrors RCW 28A.210.100, which requires health care providers to provide patients or their parents with an immunization record containing information required by Board rules.

In Washington State, there are over twenty boards and commissions that regulate the licensing of health care providers, including those who administer vaccines. Other law, including parts of chapter 7.70 RCW, addresses informed consent by a patient in a medical setting.

(continued on the next page)

Washington State Board of Health June 8, 2022 Meeting Memo Page 2

#### **Recommended Board Actions**

The Board may wish to consider, and amend, if necessary, one of the following motions:

The Board declines the petition to initiate rulemaking to amend chapter 246-105 WAC for the reasons articulated by Board members and directs staff to notify the petitioner of the Board's decision.

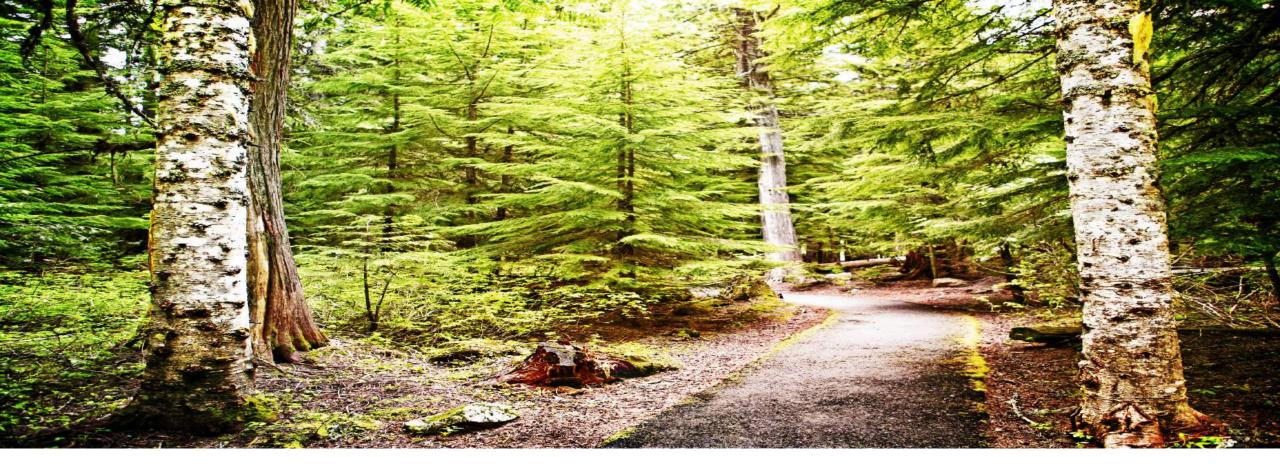
OR

The Board accepts the petition for rulemaking to amend chapter 246-105 WAC for the reasons articulated by the Board. The Board directs staff to notify the petitioner of its decision and to file a CR-101, Preproposal of Inquiry, under its authority in RCW 28A.210.140.

#### Staff Samantha Pskowski

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at <u>kelie.kahler@sboh.wa.gov.</u> TTY users can dial 711.

> PO Box 47990 • Olympia, WA 98504-7990 360-236-4110 • <u>wsboh@sboh.wa.gov</u> • <u>sboh.wa.gov</u>



### Washington State Board of Health Petition for Rulemaking: Chapter 246-105 WAC June 8, 2022

### Outline

- Review of Board authority and rule
- Review of petition for rulemaking
- Additional considerations



## **Board Authority and Current Rules**

### **RCW 28A.210**

# Child care and school entry requires one of the following:

### Proof of full immunization

Initiation of and compliance with schedule

Applicable Exemption

### Board Rule - chapter 246-105 WAC

- RCW 28A.210.140 requires the Board to adopt rules which establish the procedural and substantive requirements for full immunization.
- These rules establish the requirements for immunization status for child care and school entry, including a list of vaccine preventable diseases a child is required to provide documentation for.
- The rules further establish certain duties for schools and child care centers and health care providers.
- The rules establish criteria for exclusion of children who have not provided required documentation during an outbreak of a vaccine preventable disease.



## **Petition for Rulemaking**

### Petition for Rulemaking – WAC 246-105-070

- The Board received a petition for rulemaking from Kenneth Harp on May 16, 2022, requesting amendment to WAC 246-105-070.
- The petition requests specific changes to WAC 246-105-070 to require providers immunizing patients to ensure informed consent is obtained when administering vaccines with an Emergency Use Authorization or product that has not completed Stage III Clinical Trials.
- The petition requests specific language be adopted that details what informed consent must contained [see next slide].

### Petition for Rulemaking – WAC 246-105-070 (cont'd)

- The petition requests that informed consent for these products include:
  - (1) The regulatory status of the specific immunization lot number they are receiving, including:
    - (a) Approval status (Emergency Use Authorized, fully FDA approved, other)
  - (2) Clinical trial status. The current status of clinical trials for the immunization, including whether the clinical trial has been properly blinded or unblinded. If clinical trials are incomplete and/or being performed in parallel with deployment a notice shall be provided that clearly communicates this to the person immunized.
  - (3) Whether or not the immunization prevents infection and transmission.
  - (4) All known potential side effects, both short term and long term.
  - (5) Clearly identification of the party(s) financially responsible for any adverse health impacts that may occur as a result of the immunization, including legal and lawful recourse for injuries sustained from any adverse events associated with the immunization and any legal indemnification afforded to the product manufacturer, the health care provider administering the immunization, or the organization he or she works for, either public or private.

### **Additional Background Information**

- Informed consent is not within the scope of chapter 246-105 WAC. The intent of the chapter and authorizing statute is to establish documentation requirements for fulfilling full immunization for school entry and does not extend to the practice of medicine.
- Rules regarding how providers practice medicine are more appropriately governed by the health professions' respective board or commission.
- Federal and state requirements already address consent for medical intervention.

### **Board Discussion**

### Would the Board consider accepting or denying this petition? Why or why not?

Discussion and justification for the Board's decision will be included in the Board's determination letter to the petitioner.

# THANK YOU



To request this document in an alternate format, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102, or by email at <u>kelie.kahler@sboh.wa.gov</u> TTY users can dial *7*11



#### PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

In accordance with <u>RCW 34.05.330</u>, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <a href="http://apps.leg.wa.gov/wac/default.aspx?cite=82-05">http://apps.leg.wa.gov/wac/default.aspx?cite=82-05</a>.

#### **CONTACT INFORMATION** (please type or print)

Petitioner's Name	Kenneth Harp			
Name of Organization	ξ.			
Mailing Address 1392	0 93rd Avenue NE			
City Kirkland	St	ate WA	Zip Code	98034
Telephone 206.218.763	9 Er	mail ken11	1@fastmail.com	

#### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <u>http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm</u>.

#### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule:

#### 1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is:

The rule is needed because:

The new rule would affect the following people or groups:

#### **x** 2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: WAC 246-105-070

I am requesting the following change:	See attached (Petition to Amend Rule letter, 2 pages).
	Fully Informed Consent is not being obtained from Covid-19 mRNA product recipients (see attached Affidavit, 127 pages).
<b>x</b> The effect of this rule change will be:	To ensure Fully Informed Consent is being obtained from recipients of products under EUA and/or which have not completed Stage III Clinical Safety Trials.
The rule is not clearly or simply stated:	
_	
3. REPEAL RULE - I am requesting the	agency to eliminate an existing rule.
List rule number (WAC), if known:	
(Check one or more boxes)	
It does not do what it was intended to open the second	lo.
It is no longer needed because:	s
It imposes unreasonable costs:	
The agency has no authority to make t	his rule:
It is applied differently to public and pri	vate parties:
It conflicts with another federal, state, or rule. List conflicting law or rule, if know	
It duplicates another federal, state or lo List duplicate law or rule, if known:	ocal law or rule.
Other (please explain):	

Date: May 16<sup>th</sup>, 2022

To: The Washington State Board of Health Members

From: Kenneth Harp

**Subject:** Petition to Amend Rule modifying Chapter 245-105-070 WAC to include specific language requiring a health care provider administering immunizations to obtain Fully Informed Consent for any product or medical formulation that is Emergency Use Authorized and/or has not completed Stage III Safety Trials.

Dear Board of Health Members:

I am requesting the WA State Board of Health amend Chapter 245-105-070 WAC to include specific language requiring a health care provider administering immunizations to obtain Fully Informed Consent for any product or medical formulation that is Emergency Use Authorized and/or has not completed Stage III Safety Trials.

#### Current text of WAC 246-105-070:

"Duties of health care providers or organizations.

• A health care provider administering immunizations, or the organizations he or she works for, either public or private, shall furnish each person immunized, or their parent, with a medically verified immunization record containing information required by this chapter."

Recommended amendment to WAC 246-105-070 (recommend adding the following paragraphs):

 "A health care provider administering immunization, or the organizations he or she works for, either public or private, shall ensure Fully Informed Consent is attained from each person immunized with an Emergency Use Authorized product and/or any product that has not completed Stage III Clinical Safety Trials, or their parent, consistent with the Nuremburg Code, UNESCO, the World Medical Association's Declaration of Helsinki, the guidelines of the Council for International Organizations of Medical Services and the International Covenant on Civil and Political Rights which categorically forbid medical experimentation without consent.

Information provided to each person to achieve informed consent shall at a minimum consist of:

- (1) The regulatory status of the *specific immunization lot number* they are receiving, including:
   (a) Approval status (Emergency Use Authorized, fully FDA approved, other)
- (2) Clinical trial status. The current status of clinical trials for the immunization, including whether the clinical trial has been properly blinded or unblinded. If clinical trials are

incomplete and/or being performed in parallel with deployment a notice shall be provided that clearly communicates this to the person immunized.

- (3) Whether or not the immunization prevents infection and transmission.
- (4) All known potential side effects, both short term and long term.
- (5) Clearly identification of the party(s) financially responsible for any adverse health impacts that may occur as a result of the immunization, including legal and lawful recourse for injuries sustained from any adverse events associated with the immunization and any legal indemnification afforded to the product manufacturer, the health care provider administering the immunization, or the organization he or she works for, either public or private.

A copy of the above information shall be provided to the product recipient prior to immunization."

Summary of rational for new WAC 246-105-070 paragraph:

I am requesting this rule amendment out of concern that Fully Informed Consent is not being obtained from Covid-19 mRNA product recipients, in particular that risks and benefits are not being fully and accurately communicated to product recipients. The attached "Health and Safety Concerns with respect to Covid-19 novel mRNA and recumbent DNA products" is provided as supporting information.

The proposed amendment to WAC 246-105-070 is necessary to ensure Fully Informed Consent is being obtained from product recipients. This rule modification would have a documentation recording and reporting impact on health care providers providing immunizations in WA State.

Respectfully,

Kenneth Harp

#### SWORN STATEMENT AND AFFIDAVIT

#### State of WASHINGTON

#### County of KING

PERSONALLY came and appeared before me, the undersigned Notary, the within named Kenneth Henry Harp III, who is a resident of King County, State of Washington, and makes this his Statement and General Affidavit upon oath and affirmation of research, personal knowledge and belief that the following matters, facts and things set forth are true and correct to the best of his knowledge:

#### RE: Health and Safety Concerns with respect to Covid-19 novel mRNA and recumbent DNA products

Given the historically very short timeframe in which the novel coronavirus mRNA therapies and recombinant DNA gene therapies were developed, the history of failed vaccine development attempts for SARS-CoV-1, MERS-CoV and related coronaviruses that resulted in increased sensitivity and enhanced disease, and the lack of extended clinical trial safety data, the long-term safety of these novel therapies cannot be currently ascertained.

Specifically of concern:

- 1) the rapid pace at which these novel mRNA therapy and recumbent DNA gene therapy products have been developed and rushed to market relative to traditional vaccine development timelines,
- 2) the specific and significant risk of resultant Antibody Dependent Enhancement (ADE) of disease and history of failed vaccine development attempts for SARS1, MERS and related coronaviruses,
- 3) the long-term risk of resultant auto-immune conditions,
- 4) the long-term risk of degradation of innate adaptive immune system response,
- 5) other potential long-term risks and adverse effects related to these novel medical products,
- 6) the incomplete and unblinded long-term Safety and Efficacy trials (scheduled to complete in 2023),
- 7) the de facto experimental nature of these products given (1) through (6) above,
- 8) the already high and growing number of short-term adverse reactions and deaths reported,
- 9) the growing incidence of myocarditis in young adults and athletes observed post-vaccination,
- 10) recent medical journal research indicating the SC2 spike protein alone may trigger adverse events,
- 11) recent medical journal research indicating these novel products do not prevent or reduce the transmission of, or infection from, the SARS-CoV-2 virus,
- 12) recent medical journal research indicating these novel products do not reduce SARS-CoV-2 viral load in the vaccinated,
- 13) the ambiguity surrounding the FDA approval announcement for the BioNTech "Corminaty" and Moderna "SpikeVax" products. These products are currently unavailable in Washington State. All currently available products, including the Pfizer BNT162b2 and Moderna mRNA-1273 product, are still under Emergency Use Authorization (EUA) and as such voluntary under Federal Law.

The long-term effects of these products are unknown. Until long term costs, benefits and side-effects are properly established, the mRNA and recumbent DNA gene therapy roll outs remain an experiment without conclusions. Coercing, mandating or manipulating people into medical experiments without fully informed consent is a crime.

#### Rapid pace in which these products were rushed to market relative to traditional development timelines

A typical vaccine development timeline takes 5 to 10 years, and sometimes longer, to assess whether the vaccine is safe and efficacious in clinical trials, complete the regulatory approval processes, and manufacture sufficient quantity of vaccine doses for widespread distribution. Figure 1 illustrates a typical vaccine development timeline (10 years) with the accelerated timeline (5 years) and Covid-19 product development timeline (1 year) for comparison. The rapid development timeline for these novel Covid-19 gene therapy "vaccines" is historically unprecedented.



NORMALLY, VACCINE DEVELOPMENT LOOKS LIKE THIS, WITH A TIMELINE OF 5 TO 10 YEARS.

Figure 1: Rapid development timeline of Covid-19 mRNA and recumbent DNA therapies [1]

#### These products do not meet the Revised Code of Washington State definition of a "Vaccine"

From the Revised Code of Washington State, RCW 70.290.010, Definitions Section (10), "Vaccine" "means a preparation of killed or attenuated living microorganisms, or fraction thereof, that upon administration stimulates immunity that protects against disease and is approved by the federal food and drug administration as safe and effective and recommended by the advisory committee on immunization practices of the centers for disease control and prevention for administration to children under the age of nineteen years." [2]

The available Pfizer, Moderna and Johnson & Johnson Covid-19 products do not meet the Washington State definition of a Vaccine. These products are not traditional vaccines, they are novel messenger RNA gene therapies [3] [4] and novel recombinant DNA gene therapies [5]. These novel technologies have never been tested nor deployed in a wide scale manner on human subjects. The clinical trial process is being performed in parallel with mass deployment. As such long-term risks and side-effects of these novel products are unknown.

#### Risk of Antibody Dependent Enhancement (ADE) and a History of Failed Vaccine Development

Antibody Dependent Enhancement of disease is, in simple terms, when vaccine-induced antibodies enhance, or make worse, a viral infection when exposed to the virus after being vaccinated for it.

Previous vaccine trials for SARS-CoV-1 and MERS-CoV (coronaviruses similar to SARS-CoV-2) never made it past pre-clinical (or animal test stage) due to ADE.

ADE is a response to the wild virus in which vaccinated people (or animals) experience a hyper-immune response which sets off dangerous inflammatory processes of disease – basically, and ironically, creating the worst outcome for the disease among those who have been vaccinated. At least 130 children died in the Philippines in 2017 when an experimental vaccine against Dengue fever resulted in an explosive immune ADE reaction killing the children when they were exposed to wild Dengue virus after vaccination [6]. The fiasco led to government health officers being indicted and the pharmaceutical giant, Sanofi, yanking its vaccine – but not before more than 800,000 children had already been given the shots and left in danger of an ADE response to the circulating virus.

"COVID-19 vaccines designed to elicit neutralising antibodies may sensitise vaccine recipients to more severe disease than if they were not vaccinated. Vaccines for SARS, MERS and RSV have never been approved, and the data generated in the development and testing of these vaccines suggest a serious mechanistic concern: that vaccines designed empirically using the traditional approach (consisting of the unmodified or minimally modified coronavirus viral spike to elicit neutralising antibodies), be they composed of protein, viral vector, DNA or RNA and irrespective of delivery method, may worsen COVID-19 disease via antibody-dependent enhancement (ADE). This risk is sufficiently obscured in clinical trial protocols and consent forms for ongoing COVID-19 vaccine trials that adequate patient comprehension of this risk is unlikely to occur, obviating truly informed consent by subjects in these trials." [7]

Multiple studies [8] had warned of the repeated failures and dangers of a coronavirus vaccine that created an ADE response when vaccinated individuals encountered a wild virus. Yet there is no evidence that the deaths from COVID-19 in the fully vaccinated have been investigated to determine if they suffered from an ADE response to a wild coronavirus" [9]. Current monitoring methods would treat ADE as a Covid infection leading to a self-reinforcing cycle. Monitoring protocols should be adjusted to screen for ADE.

"It is not clear from the CDC data if the people who have become seriously ill, including those who have died of COVID infection following vaccination, are not experiencing a known side-effect of coronavirus vaccination that was warned about before the rollout began: antibody dependent enhancement" [7].

"There are several vaccine types currently being pursued including mRNA, DNA, recombinant protein, virus-like particle, and live-attenuated or killed virus. With the potential exception of live, attenuated virus vaccines, the general goal is to induce adaptive immune response resulting in high-affinity IgG against S (spike) or N (nucleotide) viral capsid proteins. However, unless care is taken to modify the protein sequences to remove or inactivate regions highly associated with ADE, if this is even possible, we may produce vaccines that enhance, rather than protect against, severe SARS-CoV-2 infection. This could be particularly problematic in children, with their reduced risk of severe infection." [7]

Vaccine associated disease enhancement has been identified as an "important potential risk" in Pfizer's most recent Cumulative Analysis of Post-EUA Adverse Event Reports (BNT162B2), specifically identifying Vaccine-Associated Enhanced Disease (VAED) and Vaccine-Associated Enhanced Respiratory Disease (VAERD) [10].

If ADE is occurring one result would be an increase in disease occurrence and/or severity among the vaccinated population. Note that an increase in disease occurrence coupled with non-sterilizing products (which do not prevent infection or transmission) places both vaccinated and unvaccinated at increased health risk.

"The specific and significant COVID-19 risk of ADE should have been and should be prominently and independently disclosed to research subjects currently in vaccine trials, as well as those being recruited for the trials and future patients after vaccine approval, in order to meet the medical ethics standard of patient comprehension for informed consent." [11]

The risks of Antibody Dependent Enhancement of disease should be fully disclosed as part of informed consent.

#### **Risk of Resultant Autoimmune Conditions**

The risk of long-term Auto-Immune conditions resulting from mRNA or recumbent DNA gene therapies or traditionally based COVID 19 vaccines is currently unknown.

For reference, an antigen is a substance (protein) that causes the immune system to produce antibodies and trigger an immune response. An epitope is a localized region on the surface of an antigen capable of eliciting an immune response and of combining with a specific antibody to counter that response. Full-length SARS-CoV-2 spike proteins contain epitopes that have moderate to strong cross-reactivity with a variety of human tissues.

"Razim et al. concluded that before considering a protein as a vaccine antigen, special care should be taken in analyzing the sequence of tissue cross-reactive epitopes in order to avoid possible future side effects. We agree with Razim et al., and we feel that our own findings that 21 out of 50 (human) tissue antigens had moderate to strong reactions with the SARS-CoV-2 antibodies are a sufficiently strong indication of cross-reaction between SARS-CoV-2 proteins and a variety of tissue antigens beyond just pulmonary tissue, which could lead to autoimmunity against connective tissue and the cardiovascular, gastrointestinal, and nervous systems." [12]

"At the moment, scientists are frantically trying to develop either a definitive cure, neutralizing antibodies, or a vaccine to protect us from contracting the disease in the first place, and they want it right now. We must consider that finding a vaccine for a disease may normally take years. There are reasons for all the precautions involved in developing a vaccine, not the least of which are unwanted side-effects. In light of the information discussed above about the cross-reactivity of the SARS-CoV-2 proteins (antigens) with human tissues and the possibility of either inducing autoimmunity, exacerbating already unhealthy conditions, or otherwise resulting in unforeseen consequences, it would only be prudent to do more extensive research regarding the autoimmune-inducing capacity of the SARS-CoV-2 antigens." [12]

The Pfizer BNT162B2, Moderna mRNA-1273 and Janssen Ad26.COV2.S products all encode for and produce full-length spike proteins.

The risk of resultant autoimmune conditions should be fully disclosed as part of informed consent.

#### Risk of degradation of innate immune system response

Recent medical research findings reveal that the SARS-CoV-2 full-length spike protein may impair adaptive immunity by inhibiting DNA damage repair. The Pfizer BNT162B2, Moderna mRNA-1273 and Janssen Ad26.COV2.S products all encode for and produce full-length spike proteins.

"Adaptive immunity plays a crucial role in fighting against SARS–CoV–2 infection and directly influences the clinical outcomes of patients. Clinical studies have indicated that patients with severe COVID–19 exhibit delayed

and weak adaptive immune responses; however, the mechanism by which SARS–CoV–2 impedes adaptive immunity remains unclear. Here, by using an in vitro cell line, we report that the SARS–CoV–2 spike protein significantly inhibits DNA damage repair, which is required for effective V(D)J recombination in adaptive immunity." [13]

"Our findings provide evidence of the spike protein hijacking the DNA damage repair machinery and adaptive immune machinery in vitro. We propose a potential mechanism by which spike proteins may impair adaptive immunity by inhibiting DNA damage repair. Although no evidence has been published that SARS–CoV–2 can infect thymocytes or bone marrow lymphoid cells, our in vitro V(D)J reporter assay shows that the spike protein intensely impeded V(D)J recombination. Consistent with our results, clinical observations also show that the risk of severe illness or death with COVID–19 increases with age, especially older adults who are at the highest risk. This may be because SARS–CoV–2 spike proteins can weaken the DNA repair system of older people and consequently impede V(D)J recombination and adaptive immunity. In contrast, our data provide valuable details on the involvement of spike protein subunits in DNA damage repair, indicating that full–length spike–based vaccines may inhibit the recombination of V(D)J in B cells, which is also consistent with a recent study that a full–length spike–based vaccine induced lower antibody titers compared to the RBD–based vaccine. This suggests that the use of antigenic epitopes of the spike as a SARS–CoV–2 vaccine might be safer and more efficacious than the full–length spike. Taken together, we identified one of the potentially important mechanisms of SARS–CoV–2 suppression of the host adaptive immune machinery. Furthermore, our findings also imply a potential side effect of the full–length spike–based vaccine." [13]

Note that a degradation of the innate immune system response may place the product recipient at increased risk for disease beyond Covid-19.

The risk of degradation of innate immune system response should be fully disclosed as part of informed consent.

#### Risk of Myocarditis, Pericarditis and/or other Acute Coronary Syndrome conditions

A recent JAMA study has shown that the 7-day risk of myocarditis following mRNA COVID vaccination is around 133 times greater than the background risk in young males [14].

The study, conducted by researchers from the U.S. Centers for Disease Control (CDC) as well as from several U.S. universities and hospitals, examined the effects of vaccination with products manufactured by Pfizer-BioNTech and Moderna. The study's authors used data obtained from the CDC's VAERS reporting system which were cross-checked to ensure they complied with CDC's definition of myocarditis; they also noted that given the passive nature of the VAERS system, the number of reported incidents is likely to be an underestimate of the extent of the phenomenon.

	Reported cases of myo	Expected cases of myocarditis			
	Vaccination with BNT162b2		Vaccination with mRNA-	in a 7-d risk interval	
	First dose	Second dose	First dose	Second dose	(95% CI) <sup>c</sup>
Males					
Age group, y					
12-15	7.06 (4.88-10.23)	70.73 (61.68-81. <mark>1</mark> 1)			0.53 (0.40-0.70)
16-17	7.26 (4.45-11.86)	105.86 (91.65-122.27)			1.34 (1.05-1.72)
18-24	3.82 (2.40-6.06)	52.43 (45.56-60.33)	10.73 (7.50-15.34)	56.31 (47.08-67.34)	1.76 (1.58,1.98)
25-29	1.74 (0.78-3.87)	17.28 (13.02-22.93)	4.88 (2.70-8.80)	24.18 (17.93-32.61)	1.45 (1.21-1.74)
30-39	0.54 (0.20-1.44)	7.10 (5.26-9.57)	3.00 (1.81-4.97)	7.93 (5.61-11.21)	0.63 (0.54.0.73)
40-49	0.55 (0.21-1.48)	3.50 (2.28-5.36)	0.59 (0.19-1.82)	4.27 (2.69-6.78)	0.78 (0.67-0.90)
50-64	0.42 (0.17-1.01)	0.68 (0.33-1.43)	0.62 (0.28-1.39)	0.85 (0.41-1.79)	0.77 (0.68-0.86)
≥65	0.19 (0.05-0.76)	0.32 (0.10-1.00)	0.18 (0.05-0.72)	0.51 (0.21-1.23)	
Females					
Age group, y					
12-15	0.49 (0.12-1.98)	6.35 (4.05-9.96)			0.17 (0.11-0.29)
16-17	0.84 (0.21-3.37)	10.98 (7.16-16.84)			0.42 (0.27-0.66)
18-24	0.18 (0.03-1.31)	4.12 (2.60-6.54)	0.96 (0.31-2.96)	6.87 (4.27-11.05)	0.38 (0.30-0.49)
25-29	0.26 (0.04-1.84)	2.23 (1.07-4.69)	0.41 (0.06-2.94)	8.22 (5.03-13.41)	0.48 (0.35-0.65)
30-39	0.72 (0.32-1.60)	1.02 (0.49-2.14)	0.74 (0.28-1.98)	0.68 (0.22-2.10)	0.47 (0.39-0.57)
40-49	0.24 (0.06-0.97)	1.73 (0.98-3.05)	0.18 (0.02-1.25)	1.89 (0.98-3.63)	0.89 (0.77-1.04)
50- <mark>64</mark>	0.37 (0.15-0.88)	0.51 (0.23-1.14)	0.65 (0.31-1.36)	0.43 (0.16-1.15)	1.00 (0.89-1.13)
≥65	0.08 (0.01-0.54)	0.35 (0.13-0.92)		0.26 (0.08-0.81)	

Table 2. Reports to VAERS After mRNA-Based COVID-19 Vaccination That Met the CDC's Case Definition for Myocarditis Within a 7-Day Risk Interval per Million Doses of Vaccine Administered

**Figure 2:** Reports to VAERS after mRNA-Based Covid-19 Vaccination That Met the CDC's Case Definition for Myocarditis Within a 7-day Risk Interval per Million Doses of Vaccine Administered [14]

From Figure 2 above (Table 2: Reports to VAERS after mRNA-Based Covid-19 Vaccination that met the CDC's case definition for myocarditis withing a 7-day risk interval per million doses of vaccine administered)

Males, Age Group 12-15, vaccination with BNT162b2 (Pfizer):

- Second Dose: 70.73 (Reported cases of myocarditis per million doses administered)
- Expected Cases : 0.53 (background rate of myocarditis in this age/sex group, 2017-2019)

70.73/0.53 = 133.45 or 133 times the background rate

A recent study suggests that the presence of the full-length spike protein alone may be sufficient to cause cardiovascular damage.

"It was found that the treatment of cultured primary human pulmonary artery smooth muscle cells (SMCs) or human pulmonary artery endothelial cells with the recombinant SARS-CoV-2 spike protein S1 subunit is sufficient to promote cell signaling (cellular changes) without the rest of the viral components [15]. Furthermore, our analysis of the postmortem lung tissues of patients who died of COVID-19 has determined that these patients exhibited pulmonary vascular wall thickening, a hallmark of pulmonary arterial hypertension (PAH) [15]. Based on these results, we proposed that the SARS-CoV-2 spike protein (without the rest of the viral components) triggers cell signaling events that may promote pulmonary vascular remodeling and PAH as well as possibly other cardiovascular complications [15], [16]." [17]

"Recent observations suggest that the SARS-CoV-2 spike protein can by itself trigger cell signaling that can lead to various biological processes. It is reasonable to assume that such events, in some cases, result in the pathogenesis of certain diseases.

Our laboratory only tested the effects of the SARS-CoV-2 spike protein in lung vascular cells and those implicated in the development of PAH. However, this protein may also affect the cells of systemic and coronary vasculatures, eliciting other cardiovascular diseases such as coronary artery disease, systemic hypertension, and stroke. In addition to cardiovascular cells, other cells that express ACE2 have the potential to be affected by the SARS-CoV-2 spike protein, which may cause adverse pathological events. Thus, it is important to consider the possibility that the SARS-CoV-2 spike protein produced by the new COVID-19 vaccines triggers cell signaling events that promote PAH, other cardiovascular complications, and/or complications in other tissues/organs in certain individuals (Figure 3). We will need to monitor carefully the long-term consequences of COVID-19 vaccines that introduce the spike protein into the human body." [17]

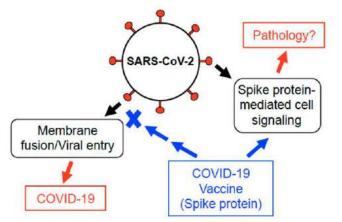


Figure 3: Possible actions of the SARS-CoV-2 spike protein. [17]

"The SARS-CoV-2 spike protein of the intact virus targets ACE2 of the host cells to facilitate the membrane fusion and the viral entry. The SARS-CoV-2 spike protein also elicits cell signaling in human cells [15], [18]. COVID-19 vaccines introduce the spike protein into the human body. In addition to eliciting an immune response that suppresses the viral entry, the spike protein produced by the COVID-19 vaccines may also affect the host cells, possibly triggering adverse events. Further investigations addressing this possibility are warranted [16]." [17]

The Pfizer BNT162B2, Moderna mRNA-1273 and Janssen Ad26.COV2.S products all encode for and produce full-length spike proteins.

A recent presentation by the Canadian Covid Care Alliance, a group of over 500 independent Canadian doctors, scientists and health care practitioners echoed these concerns about myocarditis in youth and athletes. That presentation is attached as Appendix B.

The risk of developing heart inflammation, and associated heart muscle damage, should be fully disclosed as part of informed consent.

#### **Risk of other Short- and Long-Term Side Effects**

Established in 1990, the Vaccine Adverse Event Reporting System (VAERS) is a national early warning system to detect possible safety problems in U.S.-licensed vaccines. VAERS is co-managed by the Centers for Disease Control and Prevention (CDC) and the U.S. Food and Drug Administration (FDA).

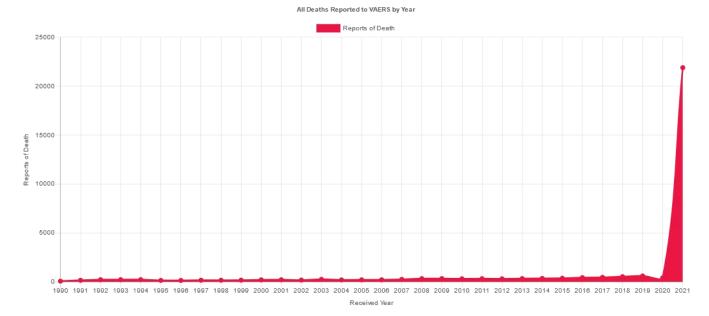
The following short-term adverse events have been reported via the Vaccine Event Reporting System (VAERS) as related to novel COVID 19 mRNA and recumbent gene therapies as of February 25, 2022 [19]:

- Total Covid Vaccine Data Reports (1,151,448)
- Deaths (24,827)
- Hospitalizations (135,783)
- Urgent Care Visits (121,670)
- Doctor Office Visits (178,014)
- Severe Allergic Reaction (40,382)
- Life Threatening (28,349)
- Heart Attack (12,731)
- Myocarditis/Pericarditis (35,303)
- Bell's Palsy (14,364)
- Anaphylaxis (9,335)
- Thrombocytopenia/Low Platelet (5,812)
- Miscarriages (4,209)
- Shingles (12,701)
- Permanent Disability (45,615)

Adverse events are underreported VAERS as typically only a fraction of total adverse events are entered into VAERS. "VAERS investigators participated on a panel to explore the perspective of clinicians, electronic health record (EHR) vendors, the pharmaceutical industry, and the FDA towards systems that use proactive, automated adverse event reporting. Adverse events from drugs and vaccines are common, but underreported. Although 25% of ambulatory patients experience an adverse drug event, less than 0.3% of all adverse drug events and 1-13% of serious events are reported to the Food and Drug Administration (FDA). Likewise, fewer than 1% of vaccine adverse events are reported. Low reporting rates preclude or slow the identification of "problem" drugs and vaccines that endanger public health. New surveillance methods for drug and vaccine adverse effects are needed." [20]

Given the level of under reporting that is known to occur in VAERS [20] the question is raised: Do the adverse events reported above [19] represent the extent of these issues or are they simply the tip of an iceberg?

Figure 4 illustrates annual deaths reported to VAERS since its inception in 1990.



#### Figure 4: All Deaths Reported to VAERS by Year [19]

Figure 5 illustrates VAERS Covid Vaccine reports of death as a function of days to death onset post vaccination. Note that the majority of deaths occur within the first 3 days post vaccination. This implies a causal relationship.

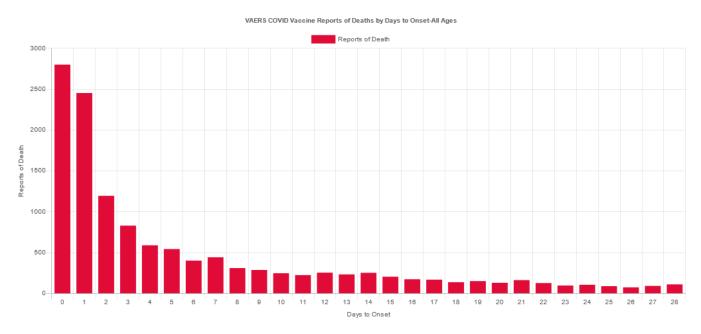


Figure 5: VAERS COVID Vaccine Reports of Deaths by Days to Onset - All Ages [19]

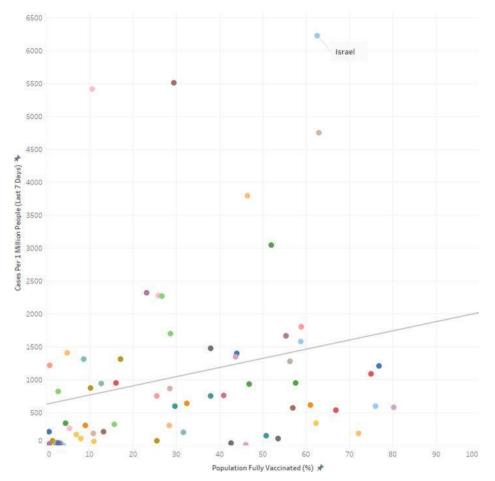
A collection of medical journal articles associated with adverse events observed to date associated with these novel Covid-19 products is included as <u>Appendix A: Sampling of Covid-19 vaccination associated Adverse Events</u> (<u>AEs</u>). Note that these Adverse Events are short-term. The Long-Term safety profiles of these novel products have not been determined.

The risk of short-term adverse events should be fully disclosed as part of informed consent.

#### Novel products do not prevent infection or transmission of SARS-CoV-2

A recent report published in the European Journal of Epidemiology evaluating cases per million people across 68 countries shows a slightly increase in new Covid-19 cases associated with countries having a higher percentage of population fully vaccinated [21]. For a sterilizing vaccine (one that prevents infection and transmission) a decreasing trend in cases with increasing vaccination rates would be expected.

"At the country-level, there appears to be no discernable relationship between percentage of population fully vaccinated and new COVID-19 cases in the last 7 days (Fig. 6). In fact, the trend line suggests a marginally positive association such that countries with higher percentage of population fully vaccinated have higher COVID-19 cases per 1 million people. Notably, Israel with over 60% of their population fully vaccinated had the highest COVID-19 cases per 1 million people in the last 7 days." [21]



**Figure 6:** Relationship between cases per 1 million people (last 7 days) and percentage of population fully vaccinated across 68 countries as of September 3, 2021 [21].

The risk of infection and transmission post-vaccination should be fully disclosed as part of informed consent.

#### Waning product efficacy and "booster" doses

A recent study out of Israel illustrates that immune escape variants readily spread among a highly vaccinated population only 4 to 6 months post vaccination.

"A nosocomial (hospital) outbreak of SARS-CoV-2 Delta variant infected 42 patients, staff and family members; 39 were fully vaccinated. The attack rate was 10.6% (16/151) among exposed staff and reached 23.7% (23/97) among exposed patients in a highly vaccinated population, 16–26 weeks after vaccination (median: 25 weeks). All cases were linked and traced to one patient. Several transmissions occurred between individuals wearing face masks. Fourteen of 23 patients became severely sick or died, raising a question about possible waning immunity" [22]

The mitigation strategy for waning product efficacy thus far has been to focus on additional "booster" doses of the original Pfizer, Moderna and Johnson & Johnson products, products that were developed to induce an immune response to target the initial "Wuhan" strain spike proteins of SARS-CoV-2. As a result of this selective immune pressure the early Wuhan strains have effectively gone extinct (Figure 7, B.1.1.7, B.1.526 and P.1) while the immune escape variants (Delta strains, B.1.617.2 and AY.3) largely bypass the initial protection afforded by these products. Note that this all happened over a period of just 3 months. "Boosting" again with the product formulations for the Wuhan strain appears to be a case of chasing diminishing returns when Delta has already achieved immune escape against this formulation. Unless a vaccine is sterilizing the virus will continue to mutate and spread. This process is repeating with Omicron now rapidly replacing Delta as the dominant strain.

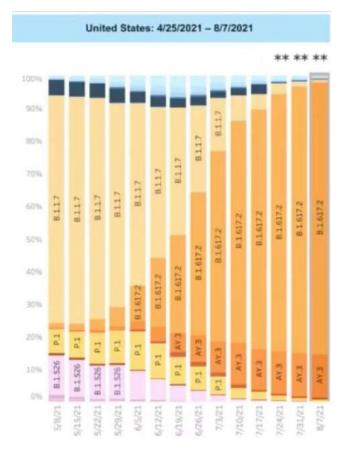


Figure 7: Delta strain immune escape variant becomes dominate in the U.S. (B.1.617.2) (credit P.M., MD)

Non-sterilizing products (which do not prevent infection or transmission) coupled with an increase in disease occurrence driven by immune escape variants place both vaccinated and unvaccinated at increased health and safety risk of contracting Covid-19.

Waning product efficacy post-vaccination should be fully disclosed as part of informed consent.

#### Novel products do not reduce viral load of SARS-CoV-2

A recent study out of Wisconsin compared RT-PCR cycle threshold (Ct) data from 699 test-positive anterior nasal swab specimens from fully vaccinated (n = 310) and unvaccinated (n=389) individuals. They focused on low cycle thresholds (less than 25 cycles). RT-PCR cycle threshold values less 25 have previously been associated with shedding of infectious SARS-CoV-2.

"We observed low Ct values (<25) in 212 of 310 fully vaccinated (68%) and 246 of 389 (63%) unvaccinated individuals. Low Ct values were detected in vaccinated people regardless of symptoms at the time of testing. Ct values <25 were detected in "158 of 232 unvaccinated (68%, CI: 62-74%) and 156 of 225 fully vaccinated (69%; CI: 63-75%) symptomatic individuals." [23]

The viral loads they observed were effectively the same regardless of vaccination status.

As these studies show no reduction in infection rates, transmission rates or symptomatic viral load between vaccinated and unvaccinated, they illustrate little if any collective benefit associated with these novel products.

#### Incomplete and compromised long-term Safety and Efficacy trials

Clinical trials are ongoing and not scheduled to complete until 2023 [24], [25], [26].

In several trials the control subjects have been unblinded and offered the novel products. This has effectively tainted the control group and compromised the validity of these trails [24], [25].

"Participants who originally received placebo will be offered the opportunity to receive BNT162b2 (Pfizer-BioNTech) at defined points as part of the study" [24].

"Participants who were previously enrolled in the mRNA-1273-P301 (Moderna) study, and chose to be unblinded. [25]"

This unblinding of the placebo (control) groups is illustrated in Figures 8 and 9 for the Pfizer trial.

#### WHAT WAS SUPPOSED TO HAPPEN

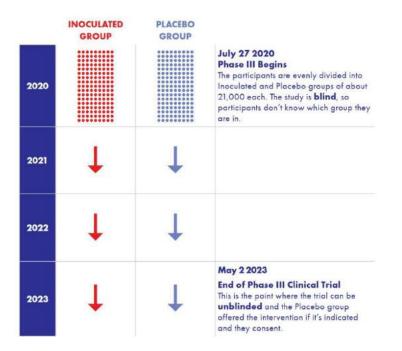


Figure 8: Pfizer clinical trial as originally planned [27]

#### WHAT ACTUALLY HAPPENED

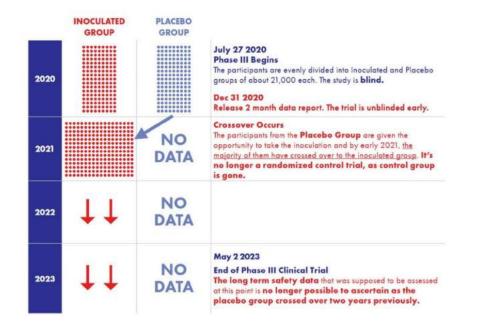


Figure 9: Pfizer clinical trial as executed [27]

The unblinding of the Randomized Clinical Trials (RCTs) should be fully disclosed as part of informed consent.

#### FDA Approved Comirnaty versus the FDA-authorized Pfizer-BioNTech COVID-19 Vaccine under EUA

By approving BioNTech product Comirnaty, which is currently available in Europe but unavailable in the Washington State [28] the FDA may have inadvertently given the impression that the available Pfizer (BNT162b2) product is FDA approved when in fact it's EUA has simply been extended.

"The FDA-approved COMIRNATY (COVID-19 Vaccine, mRNA) and the FDA-authorized Pfizer-BioNTech COVID-19 Vaccine (BNT162b2) under Emergency Use Authorization (EUA) have the same formulation and can be used interchangeably to provide the COVID-19 vaccination series. The licensed vaccine has the same formulation as the EUA-authorized vaccine and the products can be used interchangeably to provide the vaccination series without presenting any safety or effectiveness concerns. *The products are legally distinct with certain differences that do not impact safety or effectiveness.* [1] "

From the FDA Letter of Authorization to Pfizer dated January 3, 2022, Section I [28]:

Criterion for Issuance of Authorization, Paragraph C: "There is no adequate, approved, and available alternative<sup>19</sup> Pfizer-BioNTech COVID-19 Vaccine to prevent COVID-19."

Note 19: "Although COMIRNATY (COVID-19 Vaccine, mRNA) is approved to prevent COVID-19 in individuals 16 years of age and older, there is not sufficient approved vaccine available for distribution to this population in its entirety at the time of reissuance of this EUA. Additionally, there are no COVID-19 vaccines that are approved to provide: COVID-19 vaccination in individuals 5 through 15 years of age; a third primary series dose to certain immunocompromised populations described in this EUA; a homologous booster dose to the authorized population described in this EUA; or a heterologous booster dose following completion of primary vaccination with another authorized COVID-19 vaccine."

The legal difference is that "Comirnaty" is FDA approved for interstate commerce and marketing while the Pfizer (BNT162b2) product is still under Emergency Use Authorization (EUA). Under the 2005 Public Readiness and Emergency Preparedness (PREP) Act vaccine manufacturers have full legal and financial immunity from any injury or damages incurred resulting from an EUA product [29]. From a legal perspective this means that all of the other EUAs issued for Moderna, J&J, etc. can remain in force as the EUA nullification conditions of (a) FDA approval and (b) product availability in the US have not been met with the BioNTech Corminaty product. If an FDA Approved and *available* product to treat Covid-19 were to come onto the US market it would legally nullify all other active EUAs [30]. This also means that currently all of the EUA products retain full legal and financial immunity for their manufacturers.

At this time the Moderna product is being approved under the trade name "SpikeVax". It is anticipated that this product will not be made initially available in the US market in a similar fashion to Corminaty, and that the available Moderna product will remain under EUA for the foreseeable future.

#### Lack of FDA Approved and Licensing for products currently available in Washington State

None of these novel products currently available in the Washington State are FDA approved nor licensed, rather these have been authorized under Emergency Use Authorization (EUA). An EUA is a legal designation that allows

for the distribution of an experimental treatment or other medical agent prior to completion of clinical safety and efficacy trials and thus prior to formal FDA Approval. An EUA is not the same as an FDA approval or FDA Licensing [30].

As long-term clinical safety trials are incomplete and compromised (unblinded), and as the long-term (multiyear) safety profiles have yet to be established, these novel medical products are, by definition, experimental in nature.

### The Nuremburg Code and Voluntary Informed Consent

"The judgment by the war crimes tribunal at Nuremberg laid down 10 standards to which physicians must conform when carrying out experiments on human subjects in a code that is now accepted worldwide.

This judgment established a new standard of ethical medical behavior for the post World War II human rights era. Amongst other requirements, this document enunciates the requirement of voluntary informed consent of the human subject. *The principle of voluntary informed consent protects the right of the individual to control his own body.*" [31]

1. "The voluntary consent of the human subject is *absolutely essential*.

This means that the person involved should have legal capacity to give consent; should be so situated as to be able to *exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion*; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision. This latter element requires that, before the acceptance of an affirmative decision by the experimental subject, there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; *all inconveniences and hazards reasonably to be expected; and the effects upon his health or person, which may possibly come from his participation in the experiment*.

The duty and responsibility for ascertaining the quality of the consent rests upon *each individual who initiates, directs or engages* in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity." [32]

### United Nations (UNESCO) Universal Declaration on Bioethics and Human Rights

From the UN Universal Declaration of Human Rights, Article 6, Section 1 [33]. "Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice."

#### <u>Summary</u>

In summary the following concerns are raised with respect to these novel mRNA and recumbent DNA gene therapy products:

- 1) These novel Covid-19 products do not prevent Covid-19 infection.
- 2) These novel Covid-19 products do not prevent SARS-CoV-2 transmission.
- 3) What personal (non-collective) benefit these products do provide wanes rapidly over the course of months necessitating booster doses. The boosters are currently still "tuned" to the original formula for the Wuhan strain of SARS-CoV-2, which is now effectively extinct in the wild. Boosting against new variants (Delta, Omicron) that have already immune escaped the initial strain protection stands to be a case study in diminishing returns. Boosting with updated formulation(s) against these immune escape variants will drive new variants (wash, rinse, repeat).
- 4) Significant severe short term adverse effects (including death) have been reported via VAERS [19], medical journals (see Appendix A, attached) and are documented in the Pfizer Post-Authorization Analysis (which includes 9 pages of Adverse Events of Special Interest) [10]. Repeated doses may have a cumulative effect (majority of myocarditis cases in young men occur within 7 days of the 2<sup>nd</sup> dose of Covid-19 mRNA product administration) [14]. The concern is raised that these novel products place recipients at risk of significant health and financial harm based on the observed short term side effects and a history of failed vaccine development attempts for this family of viruses.
- 5) Long term side effects are unknown, however early evidence is suggestive of Antibody Dependent Enhancement of Disease (ADE), Vaccine Associated Enhanced Disease (VAED), downgrading of the innate immune system in favor of spike protein specific antibody development (original antigenic sin) which viral variants have already found a way around (immune escape) and the potential of long term consequences of vaccine induced endotheliitis (myocarditis and pericarditis).
- 6) The concern is raised that the vaccinated population may be at increasing risk of catching and transmitting SARS-CoV-2 variants due to ADE/VAED [10], [11]. Non-sterilizing products (products which do not prevent infection or transmission) coupled with an increase in disease occurrence driven by immune escape variants place both vaccinated and unvaccinated at increased risk of Covid-19.
- 7) Under EUA law [29] the product manufacturers are immune from legal and financial responsibility for any adverse health effects or associated damages. Legal and financial liability for any short or long-term adverse events associated with the incentivization of these novel products is unclear, and may ultimately fall on those individuals and organizations incentivizing, coercing and/or mandating their usage.
- 8) Given the observed short-term adverse events and the lack of long-term safety data, the mandating of novel Covid-19 gene therapies for students as a condition of public school attendance may ultimately be adjudicated as medical coercion in violation of Informed Consent.
- 9) The concern is raised that Fully Informed Consent is not being provided and attained during the administration of these experimental EUA products, and that legal and lawful action may be brought against those who fail to adequately and fully disclose the risks identified in this document as a necessary part of Fully Informed Consent [30]. The same applies to individuals or organizations that

initiate or direct people to engage in these medical experiments. Where this is medical risk there must be free choice (Nuremburg, UNESCO).

8TH day of MARCH Dated this the 20 Signature of Affiant 8 day of March SWORN to and subscribed before me, this the 2022. STACOF W. STACOF W. xpires Manel Hilton Notary Public April 2 ,2025 My commission expires

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## Appendix A

### Sampling of Covid-19 vaccination associated Adverse Events (AEs) observed to date

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### Appendix B

### More Harm Than Good

Presentation by the Canadian Covid Care Alliance, December 16, 2021

www.canadiancovidcarealliance.org

### THE PFIZER INOCULATIONS FOR COVID-19

# **MORE HARM** THAN GOOD



Contact us info@canadiancovidcarealliance.org www.canadiancovidcarealliance.org



# WHO WE ARE

# Our alliance of over 500 independent Canadian doctors, scientists, and health care practitioners is

committed to providing quality, balanced, evidence-based information to the Canadian public about COVID-19 so that hospitalizations can be reduced, lives saved, and our country safely restored to normal as quickly as possible.



**WE SUPPORT** 

The doctor/patient relationship and personalized care

**Informed consent** and treatment options

Free and open scientific discourse

Safe & effective vaccines





# FIRST, DO NO HARM

The federal, provincial and municipal governments in Canada have a responsibility to protect the health of Canadians as well as our Charter Rights and Freedoms. Any medical interventions approved by Health Canada must first be PROVEN SAFE.

Due diligence in research, as well as adherence to established protocols of the doctor/patient relationship, informed consent and scientific inquiry are essential to carrying out that responsibility.

Deviating from those practices, causing harm and failing to disclose risks of harm is negligent at best.





## OVERVIEW

#### Hierarchy of evidence

#### Pfizer's 2 month data report, Dec 31 2020

- ARR vs RRR explained VIDEO
- Early unblinding of Pfizer's randomized control trial

#### Pfizer's 6 month data report, Sep 15 2021

- Increased risk of illness
- Increased risk of death

#### The Pfizer Trials - What went wrong

- Pfizer did not follow established protocols
- Misleading demographics Wrong age
- <u>Misleading demographics Tested on healthy</u>, given to sick
- Inadequate control groups
- Did not track biomarkers
- Wrong clinical endpoints
- Not tested for spread reduction
- Subjective testing
- Missing data Lost to follow up and Suspected, but unconfirmed

- Failure to test Why it matters
- <u>12 15 trial All risk, no benefit</u>
- <u>12 15 trial Failure to report serious adverse</u> events
- 5 11 year olds Risking their health
- Myocarditis is serious
- The FDA abandons "First, do no harm"
- <u>5 11 year olds No informed consent</u>
- The BMJ Pfizer trial whistleblower article

#### A critical eye on the Sep 15 2020 report

- 6 month data manipulation Mixed cohorts
- The Pfizer trials did not prove safety they proved harm

#### How this is playing out in the real world

- Roll out surveillance You don't find what you
   don't look for
- <u>Rising incidents of heart issues in young people</u>
   <u>(Ontario Public Health Report)</u>
- This is not normal High incidences of deaths in athletes (German, Israeli news articles)

- This is supposed to be rare VIDEO of athletes collapsing
- <u>Pfizer's post marketing pharmacovigilance</u> report

#### Considerable evidence of conflict of interest

- Pfizer is making billions
- The public record of Pfizer's corporate culture
- Links to articles on Pfizer's past behaviour
- Conflicts of interest among Pfizer report authors
- The CDC has redefined "vaccine"
- <u>The media has been captured VIDEO</u>

This is no way to manage a supplier The inoculations should be withdrawn immediately

Recommended reading & viewing

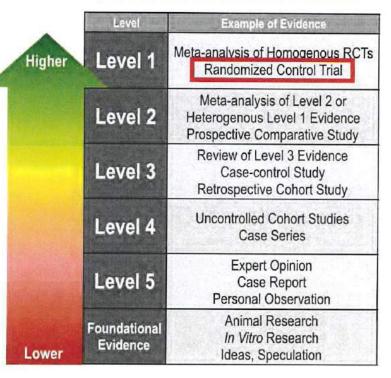


6

# THE HIERARCHY OF EVIDENCE

- A randomized control trial is LEVEL 1
   Evidence, the highest form of evidence there is. It is considered the Gold Standard and is the only way to prove something is true.
- Models are LEVEL 5 or lower as they are expert opinion/speculation.
- Policy should be determined by the highest level of evidence available, LEVEL 1.

### **Levels of Scientific Evidence**

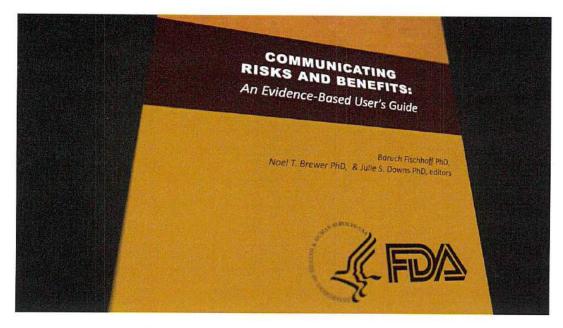


### PFIZER'S ORIGINAL TRIAL REPORT DECEMBER 31 2020

- Published in New England Journal of Medicine
- Showed 2 months worth of safety & efficacy data
- Described starting with 43,548 people divided into:
  - 1. Treatment group (received inoculation)
  - 2. **Control group** (received saline) for 2 months to see who developed COVID-19
- The claim was that the inoculations were safe and showed 95% efficacy
   7 days after the 2nd dose. But that 95% was actually Relative Risk
   Reduction. Absolute Risk Reduction was only 0.84%.

RESEARCI	ISUMMARY	
CLINICAL PROBLEM Safe and effective vaccines to provint severe acute explicatory yourknine coronavina 2 (SARS-GAV-2) infection and Gorda U2 are ingently needed. No vaccines that present igainst becareturnationses are currently available, and milliAn-based vaccines have not been widely tested. CLINICAL TRACK A mindombred, double-blind study of an mRNA vaccine needing the SARS-GOV-2 spike protein.	162b2 mRNA Covid It: 18.1856/NE/Me2094577	-19 Vaccine
43,548 grant/cipants 216 years old were avaigned to receive the vaccine or placebo by intramuscular injection in day 6 and day 21. Participants were followed for altery and for the development of symptomatic Covid-10 are a median of 2 months.	24. 04. 03. 02. 02. 04.	Placebo
IFFULTS Safety: Jacche recipients hud Jocal reactions (pain, erythema, welling) and systemic reactions (e.g., feter, headache, myrdigia) at higher rates than placebo recipients, with mater reaction fallowing the securit down. Most were mild to moderate and resolved rapidly.	Compared to the second	The second s
ifficacy: The vaccine showed protection 7 days after the second lose; 95% efficacy was observed.	04- 05- 0-3 (4 /2 /2 /3 /2 /1 /5	61 76 77 64 91 94 45
IMITATIONS AND REMAINING QUESTIONS	Days after 1	Done i
urther study is required to understand the following:		
<ul> <li>Safety and efficacy beyond 2 months and in groups not included in this trial (e.g., children, pregnant women, and immanocompromised persons).</li> </ul>	Vaccine efficacy of 95% (95% credi	ble interval, 90.3–97.6%
Whether the vaccine protects against asymptomatic infection and transmission to unvaccinated persons.	CONCLUSIONS	accine were safe over
<ul> <li>How to ded with those who miss the second vaccine dose.</li> </ul>	Two doves of an mRNA-hased a a motion of two months and pro against symptomatic Covid-19 i age or older.	wided 95% protection n persons 16 years of
	the state of the s	

# ABSOLUTE RISK REDUCTION VS RELATIVE RISK REDUCTION



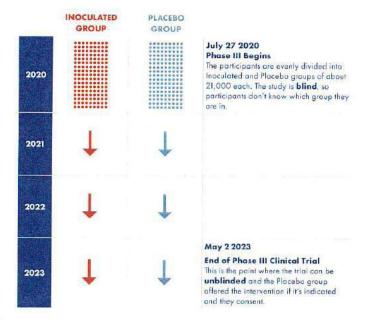
https://rumble.com/vobcg5-relative-vs-absolute-risk-reduction.html

CERCA

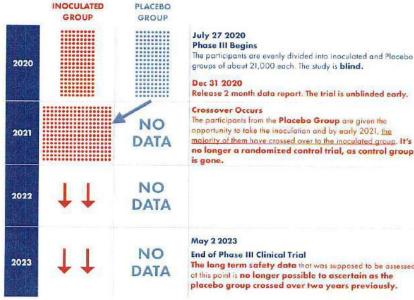


### EARLY UNBLINDING OF RANDOMIZED CONTROL TRIAL = NO LONG TERM SAFETY DATA

### WHAT WAS SUPPOSED TO HAPPEN



### WHAT ACTUALLY HAPPENED



no longer a randomized control trial, as control group

The long term safety data that was supposed to be assessed at this point is no longer possible to ascertain as the placebo group crossed over two years previously.

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PFIZER'S 6 MONTH REPORT DATA LEVEL 1 EVIDENCE OF HARM

- Pfizer's most recent report indicates an Efficacy of 91.3%.
   (Which means a reduction in positive cases compared to placebo group.)
- But it also showed, compared to the placebo group, an increase in illness and deaths.
- There is **no benefit to a reduction in cases** if it comes at the cost of **increased sickness and death**.

ORIGINAL ARTICLE	
Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine through 6 Months	
5.J. Thomss, E.D. Moreita, Jr., N. Kitchin, J. Abtalen, A. Gurtman, S. Iocifurti, J.L. Perer, G. Pérez Marc, F.P. Polack, C. Zerbini, R. Bailey, K.A. Swanson, X. Ku, S. Roychoudhur, K. Koury, S. Bauguermouh, W.V. Kalina, D. Cooper, R.W. Fenck, Jr., L. Hammitt, D. Türce, H. Nell, A. Schaefer, S. Unal, Q. Yang, P. Liberato, D.B. Tresana, S. Mather, P.R. Domitser, U. Şahin, W.C. Gruber, and K.U. Jansen, for the C4591001 Clinical Trail Group <sup>a</sup>	
ABSTRACT	
LACKGROUND	
INTIGED is a lipid manoparticle-formalized, nucleoside-modified RNA variant encoding a prefixion-arthilized, numbrant-anchored zevera catter respinanty syn- drume connarizes 2 (SARS-CoV-2) full-length spike protein. RNTiGEDs is highly fillicatious against a connormatic disease 2019 (CoVid-19) and is currently approved, conditionally approved, or authorized for emergency use worldwide. At the time of initial authorization, data beyond 2 months after vaccination were unavailable.	The addres' fail merce, easient of press, and effections are initiated in the Appendia. Dr. Discretter can be centre of at phil is downiter of philers can be a Price 401 N. Middlebows Rul, Prart Bise BW 10965. *A loss of the investigators in the C400100 Clinical Trial Group is provided in the Supplementary Appendia, searable a
In an ongoing, placebo-controlled, observer-blinded, mukinational, pivocal efficacy trial, we randomly assigned 44,355 participants 16 years of age or older and 2264	NEM.org. This article was published on September 15
participants 12 to 15 years of age to receive two 30-ag doses, at 21 days apart, of SNT162b2 or placebo. The trial end points were varcine efficacy against laboratory- confirmed Covid-19 and safety, which were both evaluated through 6 months after	Her article was published on September 13 2021, at NE(M org. N Engl J Mod 2571;3521 M3-73. DOI: 10.1016/1011/Mod2116145 Capying G 2021 Matabase Mediad Seriet,
nccination.	CME
SNUTS NTTO522 continued to be safe and have an acceptable adverse-event profile. Few participants had adverse seemts leading to withdrawell from the trial. Vaccine ef- fitnary against Covid-19 was 91.3% (95% confidence interval [CI], 80.0 to 93.20 introngh 6 months of follow-up among the participants without evidence of previ- ous SALS-CoV-2 infection who could be evaluated. There was a gradual decline in negative fitnary vaccine officery of 86 to 100% was seen across numbries and in opolutions with diverse ages, sees, rate or ethnic groups, and risk factors for CoV-2 Vaccine officery against server disease was 96.7% (95% CI, 80.3 to 99.9). In South Africa, where the SALS-CoV-2 wattent of concern BL-381 (or beal) was pre- dominant, a vaccine efficary of 100% (95% CI, 93.5 to 100) was observed.	at NGMLong
comecutions Through 6 months of follow-up and despite a gradual decline in vaccine efficacy, SNTIG222 had a fororable asfety profile and was highly efficienticus in preventing Sorid-19, (funded by BioNTech and Pfizer, ClinicalTrials.gov number, NGT04368728.)	
N ENGLIMED 2051.16 NEJMORE: MOVEMEN, 2021	1761
The New Highand Journal of Medicine Downloaded from najmorg on November 10, 2021, Her personal use only. No other uses wi Copyright 6 22021 Manaschaustis Medical Society. All rights reserved.	the d permission.

https://www.nejm.org/doi/pdf/10.1056/NEJMoo2110345?orticleTools=true



# INCREASED RISK OF

#### Screen capture from Pfizer & Month Supplementary Appendix

Adverse Event	BNT162b2 (N*-21,926) n <sup>h</sup> (%)	Placebo (N*=21,921) n <sup>b</sup> (%)
Any event	6617 (30.2)	3048 (13.9)
Related	5241 (23.9)	1311 (6.0)
Severe	262 (1.2)	150 (0.7)
Life-threatening	21 (0.1)	26 (0.1)
Any serious adverse event	127 (0.6)	116 (0.5)
Relateded	3 (0.0)	0
Severe	71 (0.3)	66 (0.3)
Life-threatening	21 (0.1)	26 (0.1)
Any adverse event leading to withdrawal	32 (0.1)	36 (0.2)
Related	13 (0.1)	11 (0.1)
Severe	10 (0.0)	10 (0.0)
Life-threatening	3 (0.0)	7 (0.0)
Death	3 (0.0)	5 (0,0)

Table S3 | Participants Reporting at Least 1 Adverse Event from Dose 1 to 1 Month After Dose 2 During the Blinded Follow-up Period. The population included all 216-year-old participants who received 21 dose of vaccine irrespective of follow-up time. a. N=number of participants in the specified group. This value is the denominator for the percentage calculations. b. n=Number of participants reporting 21 occurrence of the specified event category. For 'any event', n=number of participants reporting 2.0 occurrence of any event. c. Assessed by the investigator as related to investigational product. d. Shoulder injury related to vaccine administration, right axillary lymphadenopathy, and paroxysmal ventricular arrhythmia (as previously reported). Adverse events for 12–15-year-old participants were reported previously.<sup>11</sup>

Safety and Efficacy of the BNT162b2 mRNA Cavid-19 Vaccine through 6 Months . Supplementary Appendix

A **significant increase in illness**, which the Pfizer inoculations were supposed to reduce.

	BNT162b2	Placebo	Risk Change
Efficacy (Meaning number of people diagnosed with COVID-19.)	77	850	<mark>-91</mark> %
<b>Related Adverse Event</b> (Meaning an investigator has assessed it as related to the BNT 162b2 injection.)	5,241	1,311	+300%
Any Severe Adverse Event [Interferes significantly with normal function.]	262	150	+75%
Any Serious Adverse Event (Involves visit to ER or hospitalization.)	127	116	+10%



# INCREASED RISK OF

Screen capture from Pfizer & Month Supplementary Appendix

Reported Cause of Deaths	BNT162b2 (N=21,926) n	Placebo (N=21,921)
Deaths	15	14
Acute respiratory failure	0	1
Aortic rupture	0	1000
Arteriosclerosis.	and the set of the ground states in the	D
Biliary cancer metastatic	0	1
COVID-19	0	2
COVID-19 pneumonia	CONTRACT OF CONTRACTOR	0
Cardiac arrest	Contraction of the Contraction of the	S CANCELLAR
Cardiac failure congestive	I	0
Cardiorespiratory arrest	and the second se	1
Chronic obstructive pulmonary disease	1	0
Death	0	1
Dementia	0	1
Emphysematous cholecystitis	1	0
Hemorrhagic stroke	0	1
Flypertensive heart disease	A STATE OF A	.0
Lung cancer metastatic	1	0
Metastases to liver	0	1
Missing	0	1
Multiple organ dysfunction syndrome	0	2
Myocardial infarction	0	2
Overdose	0	1
Pneumonia	0	2
Sepsis	1	0
Septic shock	1	o
Shigella sepsis	1	0
Unevaluable event	1	0
ble S4   Causes of Death from Dose 1 to Un ultiple causes of death could be reported for ea l participants.		

Safety and Efficacy of the BNIT16252 mRNA Covid 12 Vacone through & Mariha - Supplementary Appendix

	BNT162b2	Placebo
Deaths before unblinding (In Table 54 of Supplementary Appendic)	15	14
Deaths after unblinding [Not in table, but mentioned in text of 6 month report See quote below]	5	
Total Deaths	20	14

"After unblinding" means when the Placebo participants were given the opportunity to "cross over" and take the BNT162b2 inoculation.\*

"...3 participants in the BNT162b2 group and 2 in the original placebo group who received BNT162b2 after unblinding died." Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine through 6 Months

#### **Concerning Causes of Death**

CONTRACTOR STATES AND	BNT16252	Placebo
Total COVID-19 Related Deaths		2
Deaths Related to Cardiovascular Events	9	5

\*A table is 19.525 subjects originally raidonized to placeby increased at least one does at BNT 16262 after inblinding (Dose 1) and Dose 4) and before the strate h 3.2021 data work

# THE PFIZER TRIALS WHAT WENT WRONG

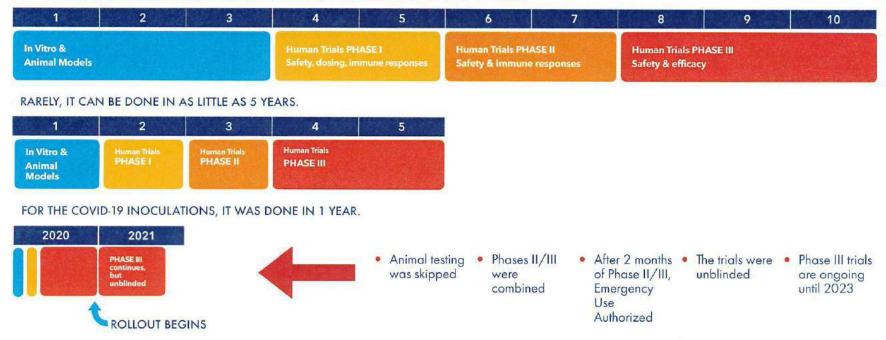
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### PFIZER DID NOT FOLLOW ESTABLISHED PROTOCOLS

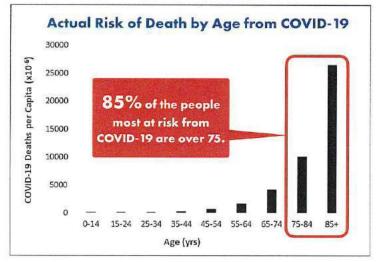
Regarding the persistent claim that the COVID-19 inoculation products do not need to be tested, because mRNA technology has already undergone testing: mRNA technology is the delivery mechanism, not the inoculation. That's like saying that since we've used syringes safely before, anything injected via syringe is safe. (And in fact, there are still a lot of unknowns about the effects of the mRNA delivery mechanism.)

NORMALLY, VACCINE DEVELOPMENT LOOKS LIKE THIS, WITH A TIMELINE OF 5 TO 10 YEARS.



### MISLEADING DEMOGRAPHICS WRONG AGE FOR TARGET POPULATION

When designing a trial for the efficacy and safety of a potential treatment, the focus should be on the target population who could most benefit from that treatment. Instead Pfizer chose participants from younger demographic that would be a) less likely to need a vaccine, b) less likely to suffer an adverse event during a trial, c) more likely to respond well to a vaccine, as the elderly have comparatively poor immune responses.



COVID-19 Deaths per capital by age in the United States (as of Jun 5, 2021). Reputation-based on U.S. CDC WONDER Bridge-Race Population Estimate 2019. Data obtained from <u>https://wondec.cdc.aov/bridged-tace-v2019.html</u>

	Pfizer Trial Demographics	5	
	pulation for the primary efficacy endpoi accived vaccine and placebo, stratified by	CALOR RECEIVED THE AND INTERPORTED AND	of
AGE GROUP	Pfizer-BioNTech COVID-19 Vaccine (N = $18,242$ ) n (%)	Placebo (N = 18,379) n (%)	
≥12 through 15 years <sup>b</sup>	46 (0.3 %)	42 (0.2 %)	_
≥16 through 17 years	66 (0.4 %)	68 (0.4 %)	Yet 75+ year olds
≥16 through 64 years	14,216 (77.9 %)	14,299 (77.8 %)	represent only 4% of
≥65 through 74	3176 (17.4 %)	3226 (17.6 %)	trial subjects.
>75 years	804 (4.4 %)	812 (4.4 %)	

FACT SHEET FOR HEALTHCARE PROVIDERS ADMINISTERING VACCINE (VACCINATION PROVIDERS) EMERGENCY USE AUTHORIZATION (EUA) OF THE FIRZER/BONTECH COVID-79 VACCINE TO FREVENT CORONAVRUS DISEASE 2019 (COVID-79) <u>https://lobaing.nfrace.com/Shawiahelog.org/kide/10471</u>

### MISLEADING DEMOGRAPHICS TESTED ON HEALTHY, GIVEN TO SICK



Pfizer Trial Protocols - Exclusions

#### REAL WORLD CO-MORBIDITIES

#### PFIZER TRIAL CO-CONDITIONS

**95% of people** who have died with COVID-19 have had at least 1 co-morbidity listed as cause of death. The average is 4 comorbidities.

litten //www.edt.ups/nchs/news/san/cased\_woodly/undex.html?

# Only **21%** had a co-existing condition.

https://www.nejm.org/doi/pdi/10.1056/NEIMoa20345 articleTools=true

### **IMPLICATIONS FOR ROLL OUT**

- We are told the inoculations are "safe." Yet many health conditions

   in fact a list several pages long were excluded from the trials, including pregnant or breastfeeding women, people with allergies, with psychiatric conditions, immunocompromised people, people with bleeding disorders, people who had previously tested positive for COVID-19, people who had been prescribed steroids, etc., so there has never been any data to make safety claims about those people. Yet they are also not excluded from mandates and vaccine passports.
- The vaccines were tested on the healthy, and then immediately given to the frailest members of the society - the elderly with multiple health conditions. This is unscientific and unethical.

16

Hickd+IvAR3 Jorg HTEK5-OCH G#Completion

CCRCA



### INADEQUATE CONTROL GROUPS

#### Pfizer only observed 2 groups:

- UNEXPOSED & INOCULATED
- UNEXPOSED & NOT INOCULATED

They should have included two more groups:

- EXPOSED & INOCULATED, people who had recovered, then got the inoculation, to see if the inoculation was safe for them
- EXPOSED & NOT INOCULATED people who were recovered and not inoculated to see how the inoculations stacked up against natural immunity





### CC CA

### LOW QUALITY SAFETY SCIENCE DIDN'T TRACK BIOMARKERS

As Kostoff et al. highlighted in a recent paper, "<u>Why are we vaccinating children against COVID-19</u>?" (highly recommended), that while the Pfizer trials tested for antibodies and tracked adverse events in terms of symptoms, **they didn't test for adverse events at the subclinical (pre-symptom) level.** 

This was extremely unsafe, because **symptoms/diseases are typically end points of processes** that can take months, years, or decades to surface. By the time you get to symptoms, things can have gone pretty wrong. (Think diabetes or high blood pressure, where the disease can be quite advanced before any symptoms accur.) **Pfizer should have been tracking biomarkers that would have been early warning indicators for disease caused by the inoculations.** 

### High quality safety science would have meant they should have tested before & after inoculation for:

- d-dimers for evidence of enhanced coagulation/clotting (several of our doctors have noticed increased levels of d-dimers in inoculated patients presenting with stroke like symptoms - video available here)
- · C-reactive protein for evidence of enhanced inflammation
- troponins for evidence of cardiac damage
- occludin and claudin for evidence of enhanced barrier permeability
- blood oxygen levels for evidence of enhanced hypoxia
- amyloid-beta and phosphorylated tau for evidence of increased predisposition to Alzheimer's disease
- Serum HMGB1, CXCL13, Dickkopf-1 for evidence of an increased disposition to autoimmune disease, etc.

Micro-clots resulting from the inoculation that were insufficient to cause observable symptoms could raise the baseline for thrombotic disease.

ROMAIDIN, KOSTOFF & ", DANJELA CALINA B, DARIA KANDUCIC, MICHAELB BRIEGIS D, PANAVIOTIS VIACHOVIANINOPOLIJOŠ E, ANDREY A, SVISTUNIOV F AKISTOJIS TSATSARIS "WIDI ZAR UKE VACIDNATIRIG CHILDREN ASARIST COMD-TOP"



The fear with COVID-19, was that it was going to **a**) **kill people**, **b**) make them sick.

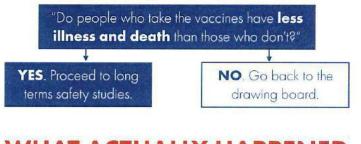
So any COVID-19 vaccine clinical trial should set out to ask the question "Do people who take the vaccines have less illness and death than those who don't?"

**Illness + Death should be the CLINICAL ENDPOINTS**. And not just illness + death with COVID-19, but **any and all illness and death**, in order to make sure that the vaccines are not causing harm.

This is well known. It was learned decades ago with cancer drug trials. At first, they used a clinical endpoint of "Did the drug shrink the cancer?" If it did, they called it effective. But it turned out the drugs were not only killing cancer, they were killing patients. They were forced to change the design of their trials and switch to "all cause mortality" as the primary endpoint instead and show that people receiving the drug actually live longer than those who don't. (J.Bart Classen has written an excellent research article on the subject. Read <u>here</u>.)

#### WHAT SHOULD HAVE HAPPENED

(After the proper early safety phases of development were completed.







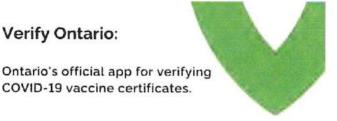
NOT TESTED FOR SPREAD REDUCTION VACCINE PASSPORTS UNJUSTIFIED

Although vaccine passports are now being used to ostensibly prevent or reduce transmission of COVID-19, this outcome was never studied in the trial and it is inappropriate to assign that capability to these inoculations. There is no evidence at all that they reduce the spread of disease and transmission was never one of the study's endpoints.

LIMITATIONS AND REMAINING QUESTIONS Further study is required to understand the following: Safety and efficacy beyond 2 months and in groups

- not included in this trial (e.g., children, pregnant women, and immunocompromised persons). Whether the vaccine protects against asymptomatic infection and transmission to unvaccinated persons.
- How to deal with those who miss the second
- vaccine dose.

#### Verify Ontario:





- When a business or organization scans a visitor's digital or paper OR code, this app will:
- protect user privacy by only reading certificates that are trusted and secure
- · check if a certificate is valid and the visitor can enter
- · show a visitor's name and date of birth so their identity can be verified
- · work offline (without an internet connection)



Download the Verify Onlario app at: ontario.ca/verify

Ontario 🕅

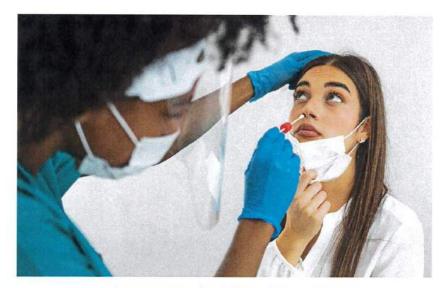
### TESTING FAILURES SUBJECTIVE TESTING

The Pfizer trials DID NOT test all participants for

**COVID-19.** Instead, they instructed their investigators to test only those with a COVID-19 symptom and **left it up to their discretion** to decide what those were.

This means that:

- Asymptomatic infection would be missed entirely
- A high level of subjectivity was introduced to the study - an investigator had the ability to sway the results
- The lack of objective systematic testing makes results unreliable



All participants should have been tested.

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# MISSING DATA LOST TO FOLLOW UP SUSPECTED, BUT UNCONFIRMED

#### **Confirmed** Cases

Dec 31 2020 Report

Subgroup		1716252 =18,198)		lacebo =18,325)	Vaccine Efficacy, 9 (95% CI)†
	No. of Cases	Surveillance Time (No. at Risk)*	No. of Cases	Surveillance Time (No. at Risk)*	

#### Lost to Follow Up

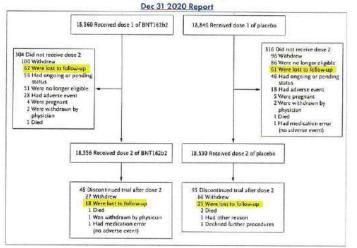
	INOCULATED GROUP	PLACEBO GROUP
ENDPOINT DATA - Confirmed COVID Cases	8	162
Participants Lost to Follow Up	80	86
Suspected, but Unconfirmed Cases	1,594	1,816

The basis for the Emergency Use Authorization was the Confirmed COVID cases of 8 vs 162, which meant a Relative Risk Reduction of 95%. But when dealing with such a small number of cases, any change can impact the results significantly.

Lost to follow up means they lost touch with those subjects and can't confirm whether they got sick or not. They don't know.

Suspected, but unconfirmed means these people were symptomatic for COVID-19, but were never tested. (Discretion for testing was left up to the investigator.)

The fact that the Lost to Follow Up and Suspected but Unconfirmed numbers are higher - and here they are even significantly higher - than the End Point numbers means that **this data is unreliable. The study should not have been accepted in this state.** In normal scientific practice they should have returned to investigate further.



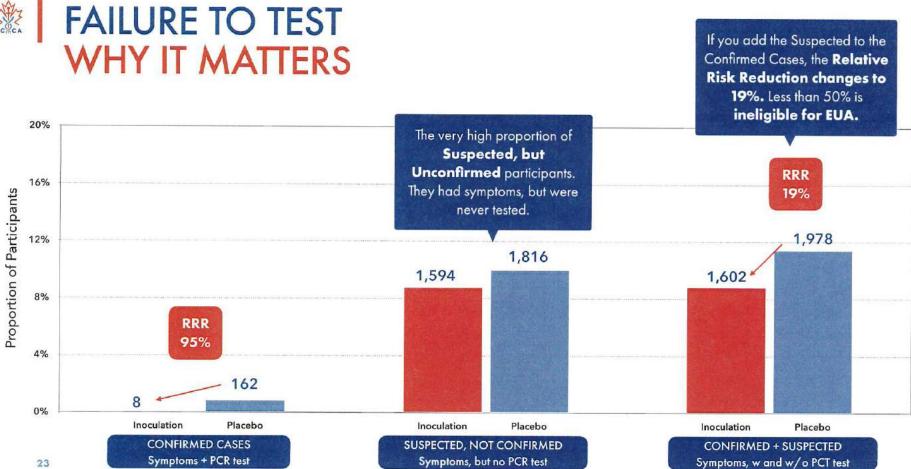
#### Suspected but Unconfirmed

Vaccines and Related Biological Products Advisory Committee Meeting December 10, 2020 FDA Briefing Document Pfizer-BioNTech COVID-19 Vaccine

Among 3410 total cases of suspected but unconfirmed COVID-19 in the overall study population, 1594 occurred in the vaccine group vs. 1816 in the placebo group. Suspected COVID-19 cases that occurred within 7 days after any vaccination were 409 in the vaccine group vs. 287 in the placebo group. It is possible that the imbalance in suspected COVID-19 cases occurring in the 7 days postvaccination preferesting vaccine reactogenicity with symptoms that overlap with those of COVID-19. Overall though, these data do not raise a concern that protocol-specified reporting of suspected, but unconfirmed COVID-19 cases soculd have masked clinically significant adverse events that would not have otherwise been detected.

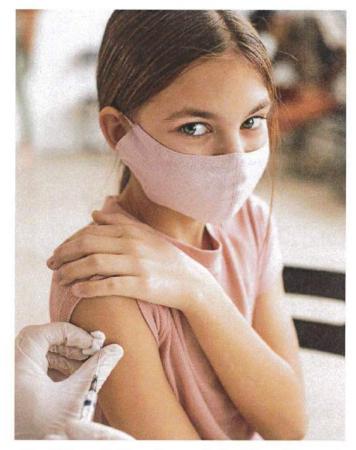
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### 12-15 ADOLESCENT TRIAL ALL RISK, NO BENEFIT

- This study was severely underpowered, as a study this small will not show up risk.
- Inoculated group 1,005 (0 tested positive for COVID-19)
- Placebo group 978 (18 tested positive for COVID-19)
- Pfizer claimed these were great results, but since adolescents are at statistically 0% risk of death from COVID-19, and very low risk of severe illness, the inoculation is of little benefit to them. Instead, it presents a very real risk of adverse events.
- But the adolescent Pfizer study wasn't actually designed to find those. A serious adverse event, including death, that occurred at a 1/800 rate might not even show up in a sample of 1,005 people.
- But in this case, it did. Among the 1,005 adolescents, there WAS at least one serious adverse event Maddie de Garay.



"For children without a serious medical condition, the danger of severe Covid is so low as to be difficult to quantify." <u>-COVID AND AGE, Oct 12, 2021, New York Times</u>



### 12 -15 ADOLESCENT TRIAL FAILURE TO REPORT SERIOUS ADVERSE EVENTS

**Maddie de Garay** is a 12 year old trial participant who developed a <u>serious reaction</u> after her second dose and was hospitalized within 24 hours.

Maddie developed gastroparesis, nausea and vomiting, erratic blood pressure, memory loss, brain fog, headaches, dizziness, fainting, seizures, verbal and motor tics, menstrual cycle issues, lost feeling from the waist down, lost bowel and bladder control and had an nasogastric tube placed because she lost her ability to eat. She has been hospitalized many times, and for the past **10 months she has been wheelchair bound and fed via tube.** 

In their report to the FDA, **Pfizer described her** injuries as "functional abdominal pain."

 One participant experienced an SAE reported as generalized neuralgia, and also reported 3 concurrent non-serious AEs (abdominal pain, abscess, gastrilis) and 1 concurrent SAE (constipation) within the same week. The participant was eventually diagnosed with functional abdominal pain. The event was reported as ongoing at the time of the cutoff date.

Emergency, Use Authorization Amendment





### CCRCA

### 5 - 11 YEAR OLDS RISKING THEIR HEALTH

#### Re: the 5 to 11 year old cohort

In this table, **Pfizer, using predictive modelling** acknowledges that their inoculations WILL cause myocarditis, but optimistically claims there will be zero deaths from myocarditis in any of their modelled (speculation, level 5 evidence) scenarios.

But even if it were true, there is no justification for causing harm to children this way. **FIRST, DO NO HARM.** 

There is now such a high expectation of heart problems from the inoculations among children that Sick Kids is putting out brochures on how to deal with them.

> SickKids Myocarditis and pericarditis after mRNA COVID-19 vaccination in children: interim guidance

#### EDA BRIEFING DOCUMENT EUA AMENDMENT REQUEST FOR PFIZER-BIONTECH COVID-19 VACCINE FOR USE IN CHILDREN 5 THROUGH 11 YEARS OF AGE

Table 14. Model-Predicted Benefit-Risk Outcomes of Scenarios 1-6 per One Million Fully Vaccinated Children 5-11 Years Old

Benefits					Risks			
Sex	Prevented COVID-19 Cases	Prevented COVID-19 Hospitalizat ions	Prevented COVID-19 ICU Admissions	Prevented COVID-19 Deaths	Excess Myocarditis Cases	Hospitalizat	Excess Myocarditis ICU Admissions	Exces Myocarditi Death
Males & Females								
Scenario 1	45.773	192	62	1	106	58	34	
Scenario 2	54,345	250	80	1	106	58	34	
Scenario 3	2.639	21	7	0	106	58	34	
Scenario 4	58,851	241	77	1	106	58	34	
Scenario 5	45,773	192	62	3	106	58	34	
Scenario 6	45,773	192	62	1	53	29	17	(
Males only	1				Terror and			
Scenario 1	44,790	203	67	1	179	98	57	(
Scenario 2	54,345	250	82	1	179	98	57	(
Scenario 3	2,639	21	7	0	179	98	57	(
Scenario 4	57,857	254	83	1	179	98	57	(
Scenario 5	44,790	203	67	3	179	98	57	(
Scenario 6	44,790	203	67	1	89	49	29	(
Females only		1			NO. OF CHANNEL		The Train	
Scenario 1	45,063	172	54	1	32	18	10	(
Scenario 2	54,345	250	78	2	32	18	10	
Scenario 3	2.639	21	7	0	32	18	10	
Scenario 4	57,938	215	67	2	32	18	10	
Scenario 5	45,063	172	54	4	32	18	10	0
Scenario 6	45.063	172	54	1	16	9	5	1 0

cenano 1, COVID-19 incidence as of September 11, 2021, VE 70% vs. COVID-19 cases and 80% vs. COVID-19 hospitalization, cenario 2; COVID-19 incidence at peak of U.S. Delta vanant surge at end of August 2021, VE 70% vs. COVID-19 cases and 80% (COVID-19 hospitalization, tenario 3; COVID-19 incidence as of nada and 2021, VE 70% vs. COVID-19 cases and 80% vs. COVID-19 cases and 80%

nario 4: COVID-19 incidence as of Se

nario 5: COVID-19 case incidence as

pitalization, COVID-19 death rate 300

hario 6. COVID-19 incidence as of Se

ss myocarditis cases 50% of Scenari

Low Level (Level 5 Evidence) SPECULATION - A Predictive Model



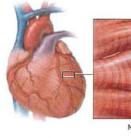
### MYOCARDITIS IS SERIOUS

#### **MYOCARDITIS**

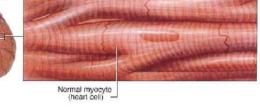
"Myocarditis is an inflammatory process of the myocardium. (Heart muscle.) **Severe myocarditis weakens your heart** so that the rest of your body doesn't get enough blood. Clots can form in your heart, **leading to a stroke or heart attack.**"

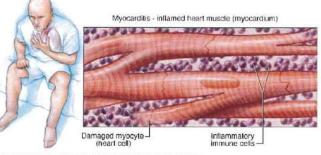
THE US NATIONAL CENTRE FOR BIOTECHNOLOGY INFORMATION

"The mortality rate is up to 20% at 6.5 years."



Normal heart muscle (myocardium)





O MAYO POLANDATION FOR MEDICAL EDUCATION AND RESEARCH, ALL RIGHTS RESERVED

### THE FDA ABANDONS FIRST, DO NO HARM

Medical interventions are supposed to be **PROVEN SAFE BEFORE** the are rolled out in the population.

Yet **Dr. Eric Rubin**, one of the 18 members of the **FDA advisory panel** who voted, to approve the inoculations for children 5 - 11, actually said the opposite, and suggested that **a population level roll out was an appropriate way to test for adverse events.** 

It's worth noting that Dr. Eric Rubin is the **editor-in-chief of the** New England Journal of Medicine, which publishes the Pfizer trial reports.



"We're never going to learn about how safe this vaccine is unless we start giving it. That's just the way it goes. That's how we found out about rare complications of other vaccines like the rotavirus vaccine. And I do think we should vote to approve it."

> Dr. Eric Rubin, FDA advisory panel member. Harvard professor & editor-in-chief of the New England Journal of Medicine. Vaccines and Related Biological Products Advisory. Committee – 10/20/2021

### 5 - 11 YEAR OLDS NO INFORMED CONSENT

- Direct-to-consumer advertising of prescription drugs is illegal in Canada, yet politicians from all levels of government are marketing inoculations to children, using cartoons and mascots.
- They are proclaiming the inoculations to be safe, yet the data is not there to back that up. In addition to admitting that their inoculations can cause myocarditis, Pfizer also admits, right in their report, that their long term immune response, efficacy & safety data is limited and that their studies weren't powered to find "rare" side effects as only1,517 kids got the inoculation.
- How many parents would take their kids to get this shot if they were informed of this? The law of informed consent says they should be, but it's not happening.



of a Covid-19 vaccine in this population; trials of other vaccines are under way. Limitations of the study include the lack of longer-term follow-up to assess the duration of immune responses, efficacy, and safety. However, longer-term follow-up from this study, which will continue for 2 years, should provide clarification. This study was also not powered to detect potential rare side effects of BNT162b2 in 5-to-11-year-olds. However, the safety of BNT162b2 observed in the study com-





### THE BRITISH MEDICAL JOURNAL PUBLISHES WHISTLEBLOWER STORY

On November 2nd, the British Medical Journal released an article about their investigation into Ventavia, one of the research companies Pfizer hired to conduct the trials.

It's quite damning. The whistleblower is a Regional Director who actually reported her company to the FDA for:

- Falsifying data
- Unblinding participants
- Not following up and testing participants who reported symptoms
- Mislabelling specimens

Several other employees backed up her account. Despite all this, neither Pfizer, nor the FDA ever audited or investigated the research company, Pfizer never disclosed the problems in its EUA application, and in fact, Pfizer has now hired that same Researcher, Ventavia, to run four more COVID-19 clinical trials.



- and emails.

Ventavia was not keeping up with data entry queries, 

thebm

30

## A CRITICAL EYE BACK ON THE SEP 15 2021 REPORT

TH NEW ENGLAND JOURNAL of MEDICINE \_\_\_\_\_ ORIGINAL ARTICLE -Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine through 6 Months 5.J. Thomas, E.D. Moreize, Jr., N. Kitchin, J. Abstion, A. Gurtman, S. Lockina, I.L. Peeze, C. Bere Manc, F.P. Polizici, C. Storgumburk, B. Mely, K.A. Swanson, K.Xu, S. Borchoschon, K. Koury, S. Bougumburk, W.Y. Kulina, D. Coojur, P. Liberator, O.B. Tresnan, S. Mathen, p. R. Dormitiker, U. Salva, W.C. Grube, and K.U. Jansen, for the C4531601 Clinical Trial Groups. ABSTRACT ACCORDUND RATIONAL is a lipit nanoparticle-formalized, anciencide-modified RIAA rateins. The sectors conceding a perfusion-stabilized, nambia-me-anchored sizene sever terptainory gro-genese excemption 2 (SARS-CoVG) all-length spice provide. Bortanizable is lightly all-neither against concentration disease 2019 (Cover Jones and is currently approved, containable perved, or antichoresed for consequency use workdow, and the lines of WY 100% of containable perved, or antichorese for consequence use workdow, and the lines of WY 100% of the several distance of the several d ACKOROUND Mernons In an oughing, placebo-controlled, observer-blinded, meidinational, phonal effices matching trial, use randomly assigned 44.169 participants is years of age or older and 2264 mestations participations at to 15 years at the form and points were varies efficient y applies blockbords confirmed. Cost449 and astrony, which were both evaluated through 6 means after watchington.

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RELEVANT BATTIGATA Constituted to be suffe and have an acceptable adverse-oven profile. Not Ficary against character errors being to writednawel from the triat. Varchine eff Corry against character of follow-up amp, 10% confidence inform the triat. Varchine eff drough 6 months of follow-up amp. 10% confidence inform of the triat out stats-core inform who could be evaluated. These agradual down in profile among former ages, state, in core or ethnic profiles and the fidence for information of the state and the evaluated. These agradual down in corriso among former ages, state, in core or ethnic profiles and the fidence for OVA. Varcine effrayed and the state areas of performer infection with the state of state and the state areas efficiency of the state areas of the state and state affective in SARS-Core? within the Generem 1,1331 (or herd was). Concentrate CONCUMENTS Through 6 mouths of follow-up and despite a gradual decline in vacuum efficacy, avtractable had a fororable safety profile and was highly effications in presentage Cond-43. (Bunded by BioWitch and Pitzer, ClinkalTriak, provinciaber, NUTV48(4928).

толосу на тако консона полнова о сол The New Eights Found of Medican Doublesded/mm agin ng cay hir ng bir ng bir ng bir ng cay hir ng bir ng WENCE, MED 185(13 NOW ONC . MOVEMBER 4, 200)

31 RUNNING FOOTER ELEMENT

### **6 MONTH DATA MANIPULATION MIXED COHORTS**

Pfizer took the results from their adult trial, which started July 27, 2020, and then added the results from the 12 - 15 year olds' trial, later.

Since it's well known that the to the efficacy numbers not presented as one combi fallen.

SEP

OCT

2020	Dec Adolescent Trial (12 - 15) Begins	Mar 13 Data Cutoff Date for Efficacy Reported in 6 Month Study 2021
the efficacy of the inoculations wanes over time, <b>thi</b> <b>rs.</b> The efficacy for these two cohorts should have b bined result. Without this boost, their efficacy numb	been reported separately,	And a start of a start
, despite the fact that the adolescent trial st		The second secon

DEC

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ficacy of the BNT162b2 mRN/

MAR

JULY

Jul 27

(16+)Begins

Adult Trial

AUG



### PFIZER TRIALS DID NOT PROVE SAFETY THEY PROVED HARM

#### **ILLNESS** BNT162b2 Placebo **Risk Change** Efficacy (Meaning number of people diagnosed with 77 850 -91% COVID-19.) **Related Adverse Event** 5,241 +300% 1,311 (Meaning an investigator has assessed it as related to the BNT162b2 injection.) Any Severe Adverse Event 262 150 +75% (Interferes significantly with normal function.) **Any Serious Adverse Event** 127 +10% 116 [Involves visit to ER or hospitalization.]

BNT162b2	Placebo
20	14

DEATHS

### These are the results of Pfizer's own randomized control trial. LEVEL 1 EVIDENCE OF HARM.



# HOW THIS IS PLAYING OUT IN THE REAL WORLD



#### ROLL OUT SURVEILLANCE YOU DON'T FIND WHAT YOU DON'T LOOK FOR

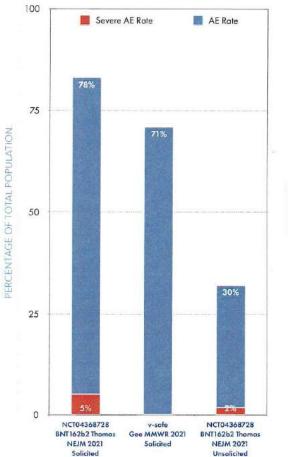
# There is a dramatic difference between passive vs active monitoring of adverse events

- When participants were **actively** followed for adverse events (AEs) in the trials, high percentages of adverse events were reported.
- Once the vaccine was rolled out at the population level, **passive** surveillance was used with Health Canada, VAERS or the European Yellow Card system.

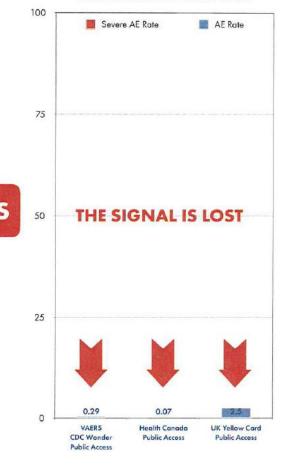
When that happened, the **signal was** completely lost.

35 NOVEMBER 18 2021

#### ACTIVE SURVEILLANCE OF TRIAL PARTICIPANTS



#### PASSIVE SURVEILLANCE OF POPULATION ROLL OUT





RISING INCIDENTS OF HEART ISSUES IN YOUNG PEOPLE

Ontario Public Health is well aware of this, as they published a <u>report</u> on it, but they seem inconsistent in their concerns.

 On Sep 29, 2021, Ontario Public Health recommended young men 18-24 not take the Moderna shot, because of a 1 in 5,000 risk of myocarditis. They suggested Pfizer shot instead, which has a 1 in 28,000 risk of myocarditis.

 But as recently as May 8, 2021, Ontario had stopped the Astra Zeneca shot because of a 1 in 60,000 risk of clotting side effects, which was considered too high.

• Their priorities are inconsistent.

Ontario ENHANCED EPIDEMIOLOGICAL SUMMARY Myocarditis and Pericarditis Following Vaccination with COVID-19 mRNA Vaccines in Ontario: December 13, 2020 to September 4, 2021

Santé publique Ontario

Public Health

> Purpose This report summarizes reports of myocarditis/pericarditis that have been reported as adverse events this report summarizes reports of myocarditis/pericarditis that have been reported as adverse events in ontario following the receipt of a COVID-19 mRNA vaccine. Data on the report summarizes reports of myocarditis following COVID-19 mRNA vaccines are

#### TORONTO SUN

#### Ontario

#### More than 100 Ontario youth sent to hospital for vaccinerelated heart problems: Report

There were 54 persons aged 25-39 included in the tally and 44 persons aged 40 and over

Anthony Furey Sep 03, 2021 • September 3, 2021 • 2 minute read • 314 Comments



oderna coronavirus disease (COVID-19) vaccine labels are seen arch 19, 2021. PHOTO BY DADO RUVIC /REUTERS



Grieving Father Ernest Ramirez Shares Heartbreaking Story of His Teen Son's Death 5 Days After Pfizer Vaccine





Sergio Agüero out for three months following 'cardiological evaluation'

Striker admitted to hospital after draw with Alavés 33-year-old to undergo 'diagnostic and therapeutic process'





Isaiah Harris Aged 18 – Pfizer May 2021

Severe Adverse Reaction: Myocarditis (Inflammation of the Heart) Resulting in a Heart Attack PFIZER'S INOCULATIONS FOR COVID-19 / MORE HARM THAN GOOD

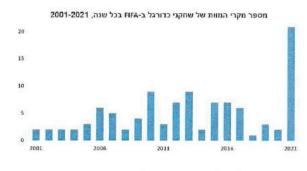
### THIS IS NOT NORMAL

A German news site put together a list of over 75 known cases of athletes collapsing - and even dying - in the last 5 months.

https://repart24.news/ab-13-iahren-lange-liste-ploetzlich-verstorhener-oderschwerkranker-sportler/

An Israeli news site analyzed the number of sudden deaths "on the pitch" of members of the International Football Association (FIFA) over the past 20 years.

### The average number of FIFA sudden deaths between 2000 - 2020 was 4.2. In 2021, it was 21.



https://www.thews.co.il/?view=article&id=49&cotid=22







https://rumble.com/vpnxkr-are-these-side-effects-extremely-rare.html

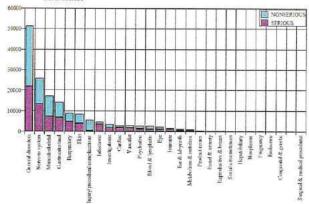
### PFIZER'S POST MARKETING PHARMACOVIGILANCE REPORT

- On Nov 17, 2021, the FDA released the first batch of what will ultimately be 329,000
  pages they were ordered by a court to provide to satisfy a Freedom of Information
  request by a group called <u>Public Health and Medical Professionals for Transparency</u> who
  want access to the data used by the FDA to approve Pfizer's COVID-19
  inoculations. (The FDA asked in court to have over 50 years to release the documents.)
- One post marketing pharmacovigilance report submitted to the FDA, where Pfizer tracked real world adverse events occurring in the first 2.5 months after Emergency Use Authorization, was particularly disturbing.
  - Over 1,200 deaths
  - Over 25,000 nervous system adverse events
  - Under "Safety concerns" Pfizer listed Anaphylaxis and Vaccine-Associated Enhanced Disease
- This document should be incriminating for any agency who saw it and called these inoculations "safe."

#### Table 1. General Overview: Selected Characteristics of All Cases Received During the Reporting Interval

	Characteristics	Relevant cases (N=42086)
Gender	Female	29914
	Male	9182
	No Data	2990
Age range (years):	≤ 17	175*
0.01 -107 years	18-30	4953
Mean = 50.9 years	31-50	13886
n - 34952	51-64	7884
	65-74	3098
	≥ 75	5214
	Unknown	6876
Case outcome:	Recovered/Recovering	19582
	Recovered with sequelae	520
	Not recovered at the time of report	[136]
	Fatal	1223
	Unknown	9400

Figure 1. Total Number of BNT162b2 AEs by System Organ Classes and Event Seriousness



3.1.2. Summary of Safety Concerns in the US Pharmacovigilance Plan

#### Table 3. Safety concerns

Important identified risks	Anaphytaxis	
Important potential risks	Vaccine-Associated Enfanced Disease (VAED), Including Vaccine-associated Enfanced Respiratory Disease (VAERD)	
Missing information	Use in Programcy and lactation Use in Paodiatric Individuals <12 Years of Age Vaccine Effectiveness	



# CONSIDERABLE EVIDENCE OF CONFLICT OF INTEREST

CCRCA

PFIZER'S INOCULATIONS FOR COVID-19 / MORE HARM THAN GOOD

### PFIZER IS MAKING BILLIONS \$33.5B+ in 2021 alone.

When the incentive is such an astronomical sum of money, it only makes sense to **ensure rigorous oversight** of the process and to ensure **as many safeguards as possible** are in place.

Their agenda is **their shareholders and their bottom line**, not public health.

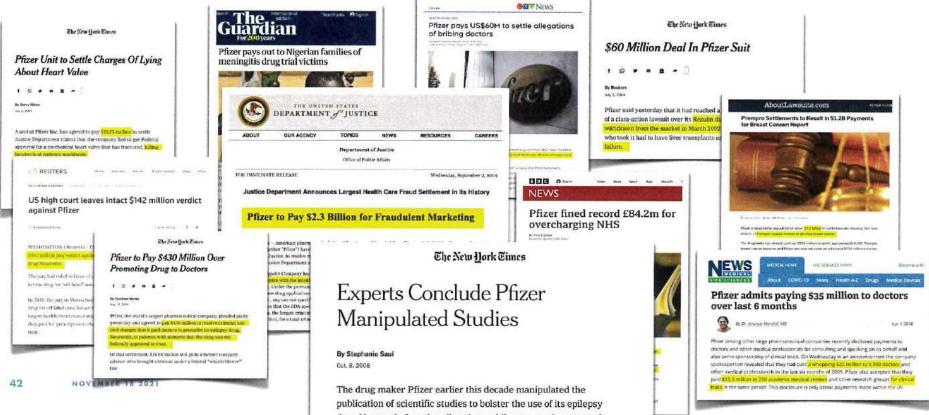
### Forbes Pfizer Expects \$33.5 Billion In Vaccine Revenue In 2021



Albert Bourla, CEO of Pfizer, photographed in June 2020 JAMEL TOPPIN FOR FORBES

B iotech giant Pfizer expects to generate \$33.5 billion in Covid-19 vaccine sales in 2021, up from previous estimates of \$26 billion, according to its second quarter earnings reports. These projections are based on the 2.1 billion doses of the Pfizer/BioNTech vaccine which the company expects to manufacture and deliver by the end of the year.

### THE PUBLIC RECORD **OF PFIZER'S CORPORATE CULTURE**



drug Neurontin for other disorders, while suppressing research 

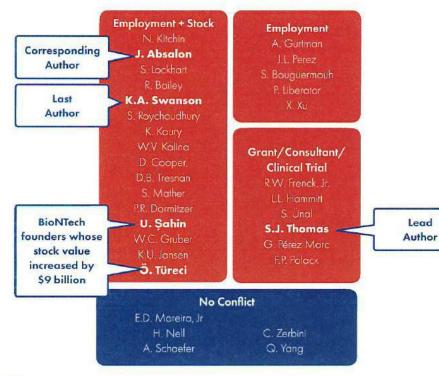


- Pfizer Unit to Settle Charges Of Lying About Heart Valve, Jul 2, 1994 <a href="https://www.nytimes.com/1994/07/02/business/pfizer-unit-to-settle-charges-of-lying-about-heart-valve.html">https://www.nytimes.com/1994/07/02/business/pfizer-unit-to-settle-charges-of-lying-about-heart-valve.html</a>
- Pfizer to Pay \$430 Million Over Promoting Drug to Doctors, May 14, 2004 <a href="https://www.nytimes.com/2004/05/14/business/pfizer-to-pay-430-million-over-promoting-drug-ta-doctors.html">https://www.nytimes.com/2004/05/14/business/pfizer-to-pay-430-million-over-promoting-drug-ta-doctors.html</a>
- \$60 Million Deal In Pfizer Suit over Rezulin, July 3, 2004 https://www.nytimes.com/2004/07/03/business/60-million-deal-in-pfizer-suit.html
- Experts Conclude Pfizer Manipulated Studies, Oct 8, 2008 https://www.nytimes.com/2008/10/08/health/research/08drug.html
- Pfizer to Pay \$2.3 Billion for Fraudulent Marketing, Sep 2, 2009 https://www.justice.gov/apa/pr/justice-department-onnounces-lorgest-health-care-fraudsettlement-its-history
- Pfizer Admits Paying \$35 Million to Doctors Over Last 6 Months, Apr 1, 2010 <a href="https://www.news-medical.net/news/20100401/Pfizer-admits-paying-2435-million-to-doctors-over-last-6-months.aspx">https://www.news-medical.net/news/20100401/Pfizer-admits-paying-2435-million-to-doctors-over-last-6-months.aspx</a>
- Pfizer Pays Out to Nigerian Families of Meningitis Drug Trial Victims, Aug 12, 2011 <a href="https://www.theguardian.com/world/2011/aug/11/pfizer-nigeria-meningitis-drug-compensation">https://www.theguardian.com/world/2011/aug/11/pfizer-nigeria-meningitis-drug-compensation</a>
- Pfizer Pays US\$60M to Settle Allegations of Bribing Doctors, Aug 7, 2012 <a href="https://www.ctvnews.co/health/health-headlines/pfizer-pays-us-60m-to-settle-allegations-of-bribing-doctors-1.906216">https://www.ctvnews.co/health/health-headlines/pfizer-pays-us-60m-to-settle-allegations-of-bribing-doctors-1.906216</a>
- SEC Charges Pfizer with FCPA Violations, Aug 7, 2012 https://www.sec.gov/news/press-release/2012-2012-152htm
- US High Court Leaves Intact \$142 million Verdict Against Pfizer, Dec 9, 2013 https://www.reuters.com/article/us-usa-court-pfizer-idUSBRE9B80K020131209
- Pfizer Fined Record £84.2m for Overcharging NHS, Dec 7, 2016 <u>https://www.bbc.com/news/business-38233852</u>
- Sonofi, FSK, Pfizer, Boehringer Must Face Zantac Class-Action Lawsuits: Court Oct 15, 2021 <a href="https://medicaldialogues.in/news/industry/pharma/sanofi-gsk-pfizer-boehringer-must-face-zantac-class-action-lawsuits-court-83138">https://medicaldialogues.in/news/industry/pharma/sanofi-gsk-pfizer-boehringer-must-face-zantac-class-action-lawsuits-court-83138</a>



### CONFLICTS OF INTEREST AMONG PFIZER REPORT AUTHORS

#### **6 MONTH REPORT AUTHORS**





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### THE CDC HAS REDEFINED "VACCINE" TO SUIT POLITICAL & PHARMACEUTICAL INTERESTS

A COLORADO

For many years	Jul 27, 2021	Aug 18, 2021	Starting Sep 2, 2021
CDC Definition of VACCINE	Head of CDC Rochelle Walensky went on CNN and admitted the	Joe Biden announced booster shots for all Americans.	CDC Definition of VACCINE CHANGED
"A product that stimulates a person's immune system to produce immunity to a specific disease, protecting the person from that disease."	<u>COVID-19 vaccines do not</u> <u>provide immunity</u> - they don't stop people from catching or transmitting COVID-19.	USA     Down and the second and the seco	"A preparation that is used to stimulate the body's immune response against diseases."
nom mar disedse.		U 24	This looks like fraud.

CC CA

### **THE MEDIA HAS BEEN CAPTURED**



https://rumble.com/voz64j-brought-to-you-by-pfizer.html



# THIS IS NO WAY TO MANAGE A SUPPLIER

Pfizer has been **indemnified for damages** in case their inoculations hurt and kill people, and Pfizer **profits to the tune of billions** if the trials are successful.

No reasonable, responsible person would have given Pfizer carte blanche in such a situation.

Instead, you would engage in rigorous oversight and hold them to the highest scientific standards. This was not done.





# THE INOCULATIONS SHOULD BE WITHDRAWN IMMEDIATELY

- It's clear that Pfizer and the agencies overseeing their trials failed to follow established, high quality safety and efficacy protocols right from the beginning.
- We have presented Level 1 evidence of harm from Pfizer's own trial data. Any government which has approved these inoculations, much less mandated them, knew or should have known from the available data that harm would be caused to its citizens.
- Any government that approved this medical intervention for its citizens should have ensured that the trial had used the appropriate clinical endpoints and high quality safety science.
- Any government official who possesses this evidence and continues to allow its citizens to be inoculated with a toxic agent is, at the very least, negligent.

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# **RECOMMENDED READING/VIEWING**

#### PUBLISHED PAPERS REFUTING PFIZER INOCULATIONS

- Why Are We Vaccinating Children Against COVID-19? <a href="https://www.sciencedirect.com/science/article/pii/S221475002100161">https://www.sciencedirect.com/science/article/pii/S221475002100161</a>
- US COVID-19 Vaccines Proven to Cause More Harm than Good Based on Pivotal Clinical Trial Data Analyzed Using the Proper Scientific Endpoint, "All Cause Severe Morbidity" <u>https://www.scivisionpub.com/</u> pdfs/us-covid 19-vaccines-proven-to-cause-more-harm-than-good-based-onpivotal-clinical-trial-data-analyzed-using-the-proper-scientific---1811.pdf

#### PFIZER'S NEJM PUBLISHED RESULTS

- Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine <a href="https://www.neim.org/doi/full/10.1056/neimoa2034577">https://www.neim.org/doi/full/10.1056/neimoa2034577</a>
- FDA Briefing Document, Dec 10, 2020 <a href="https://www.fda.gov/media/144245/download">https://www.fda.gov/media/ 144245/download</a>
- Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine through 6 Months https://www.nejm.org/doi/full/10.1056/INEJMog2110345
- The 6 Month Supplementary Appendix <a href="https://www.nejm.org/doi/suppl/10.1056/NEIMoa2110345/suppl-file/nejmaa2110345\_appendix.pdf">https://www.nejm.org/doi/suppl/10.1056/NEIMoa2110345/suppl-file/nejmaa2110345\_appendix.pdf</a>

#### BRITISH MEDICAL JOURNAL

 Covid-19: Researcher blows the whistle on data integrity issues in Pfizer's vaccine trial https://www.bmj.com/content/375/bmj.n2635

#### ONTARIO PUBLIC HEALTH EPIDEMIOLOGICAL SUMMARY

 Myocarditis and Pericarditis Following Vaccination with COVID-19 mRNA Vaccines in Ontario: December 13, 2020 to September 4, 2021 https://www.publichealthontario.ca/~/media/documents/ncov/epi/ covid-19-myocarditis-pericarditis-vaccines-epi.pdf8sc\_lang=en

#### SHORT VIDEOS

- Informed Consent It's Your Right (3 minutes) <u>https://rumble.com/</u> vleq43-informed-consent-its-your-right.html
- Brought to You by Pfizer (1 minute) <a href="https://numble.com/voz64j-brought-to-you-by-pfizer.html">https://numble.com/voz64j-brought-to-you-by-pfizer.html</a>
- Why Do We Need Vaccine Passports? (2 minutes) <a href="https://rumble.com/vn1zaf-why-do-we-need-vaccine-passports.html">https://rumble.com/vn1zaf-why-do-we-need-vaccine-passports.html</a>
- COVID-19 Vaccines and D-Dimer levels (9 minutes) <a href="https://rumble.com/vaeisj-di-rochagn-kilian-blawing-the-whistle-on-covid-19-vaccines-and-d-dimer-leve.html">https://rumble.com/vaeisj-di-rochagn-kilian-blawing-the-whistle-on-covid-19-vaccines-and-d-dimer-leve.html</a>
- How Reliable Is the PCR Test? (2 minutes) https://youtu.be/gL7Z5JmRIM4

# WE NEED YOU TO HOLD THEM ACCOUNTABLE

- This evidence is a tool you can use. It represents a real opportunity to hold our leaders accountable as it is not opinion, or modelling, or real world evidence that can be dismissed or manipulated, but LEVEL 1 EVIDENCE from a randomized control trial. As such, it has high evidentiary value.
- We're asking that you call your MP and MPP and that you ask for a 1 hour meeting. Preferably in person, but Zoom will work too.
- During the meeting, play them the video and provide them with the PDF version. Ask them questions, like whether or not they were aware of all the issues with the Pfizer trial. Or what they plan to do now that they are. Get them to agree to a follow up meeting where they will provide you with answers.

- Share this video with friends and family. Have group viewing sessions on Zoom and discuss it.
- Share this video and the PDF on social media.
   When you do, please use the hashtags #CCCA and #MoreHarmThanGood
- Please join our mailing list at <u>www.canadiancovidcarealliance.org</u> and we will update you with additional evidence as we have it.
- Follow us on social media. This <u>linktree</u> has all our social accounts.
- This presentation is available in PDF and video format on our website at <u>www.canadiancovidcarealliance.org</u>

## THE PFIZER INOCULATIONS FOR COVID-19

# **MORE HARM** THAN GOOD



Contact us info@canadiancovidcarealliance.org www.canadiancovidcarealliance.org

#### Washington State Board of Health Policy & Procedure

Policy Number:	2005-001
Subject:	Responding to Petitions for Rule-Making
Approved Date:	November 9, 2005 (revised August 13, 2014)

#### Policy Statement

RCW 34.05.330 allows any person to petition a state agency to adopt, repeal, or amend any rule within its authority. Agencies have 60 days to respond. The agency can deny the request—explaining its reasons and, if appropriate, describing alternative steps it is prepared to take—or it must initiative rule-making. If a petition to repeal or amend a rule is denied, a petitioner can appeal the agency's decision to the Governor.

This policy defines who must be notified and consulted when the Board is petitioned, who may respond on behalf of the Board, and whether Board action is required.

- **Board Response**: When the Board receives a written petition for rule-making within its authority that clearly expresses the change or changes requested, the Board will respond within 60 days of receipt of the petition. The response will be made at the direction of the Board. The response will be in the form of a letter from the Chair denying the petition or informing the petitioner the Executive Director has been directed to initiate rule-making.
- **Consideration of the Petition:** The Chair may place a petition for rule-making on the agenda for a Board meeting scheduled to be held within 60 days of receipt of the petition. Alternatively, if the Board does not have a regular meeting scheduled within 60 days of receipt of the petition, or if hearing the petition at the next regular meeting would defer more pressing matters, the Chair shall call a special meeting of the Board to consider the petition for rulemaking.

## **Procedure**

• Notifications: Board staff, in consultation with the Executive Director, will respond to the petitioner within three business days acknowledging receipt of the petition and informing the petitioner whether the request is clear. The Executive Director or staff will notify Board members that a petition for rule-making has been received and will be brought to the Board for consideration at the next regularly scheduled board meeting or will be considered at a special meeting. If

no regular meeting is scheduled before the 60-day response deadline, or if the agenda for the regular meeting cannot accommodate the petition, the Executive Director will notify the Chair of the need to schedule a special board meeting for the purposes of considering the petition. Upon Board action on the petition, the Executive Director shall assure Board members receive electronic copies of the final petition response.

- **Appeals:** If a petitioner appeals the Board's decision to deny a petition to the Governor, the Executive Director will inform the Board of the Governor's action on the appeal at the next scheduled Board meeting.
- **Consultation:** The Executive Director and Board staff will gather background information for the Board's use when it considers the petition. In this regard, the Executive Director will consult with the Board member who sponsored the most recent revisions to the rule being challenged or the appropriate policy committee. The Executive Director may also consult with appropriate representatives of the implementing agency or agencies, and may consult with stakeholders as appropriate.



Date: June 8, 2022

To: Washington State Board of Health Members

From: Tao Sheng Kwan-Gett, MD, Chief Science Officer, Department of Health

**Subject:** Emergency Rulemaking Request from Washington Department of Health for On-Site Sewage Systems, Chapter 246-272A WAC—Proprietary Products and Supply Chain Shortage

## Background and Summary:

The State Board of Health (Board) has rulemaking authority for on-site sewage systems with design flows less than three thousand five hundred gallons per day. Chapter 246-272A WAC, On-Site Sewage Systems, sets standards for the siting, design, installation, use, care, and management of these small on-site sewage systems. The Washington Department of Health (Department) and local health jurisdictions jointly administer the rules. The Department is asking the Board to adopt an emergency rule to address ongoing supply chain shortages affecting on-site sewage systems in order to avoid public health risks associated with poor system performance.

Under RCW 34.05.350, the Board may adopt emergency rules when it finds that emergency adoption of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. Emergency rules are effective for 120 days.

In 2018, the Board filed a CR-101, Preproposal Statement of Inquiry, WSR 18-06-082, to initiate permanent rulemaking and update the on-site sewage system rules. That rulemaking is still underway and is expected to conclude in 2023.

The on-site sewage system rules require installation of systems that are approved by the Department for use in Washington and that are designed to provide adequate treatment of sewage on the properties they serve. This includes the use of proprietary or trademarked technologies that are properly tested, approved, and registered for use in the state based on Board rules.

Homeowners, service providers, and regulators are experiencing supply chain shortages that are affecting the maintenance and repair of proprietary systems currently in use as well as the installation of new systems. This is due mainly to the shortage of a specific product used in many proprietary systems—a disinfecting ultraviolet light manufactured by Salcor Inc.—as well as other parts and components that are increasingly in short supply and are integral to the performance of these on-site sewage systems.

(continued on the next page)

Washington State Board of Health June 8, 2022 Meeting Memo Page 2

The shortage of replacement parts and components threatens system maintenance and public health and safety due to poor system performance. Failure to maintain on-site sewage systems easily and properly can also impede system inspections associated with property-transfer transactions.

There are thousands of on-site sewage systems in Washington that use the Salcor disinfecting ultraviolet light and many other types of proprietary products that serve properties with challenging site conditions such as small lots, poor soils, and proximity to surface waters that compound the public health risks associated with this supply chain shortage.

Today, Jeremy Simmons, Manager of the Department's On-Site Wastewater Management Program, will join us to explain the Department's request to file an emergency rule to allow manufacturers to make written request to the Department to propose retrofits to components of proprietary treatment products that will allow systems to continue to function properly without negatively impacting their treatment, operation, or maintenance during supply chain shortages. Given the possibility of continuing or future shortages, the Department is also requesting that the Board consider the proposed emergency changes in the permanent on-site sewage system rulemaking.

## Recommended Board Actions:

The Board may wish to consider and amend, if necessary, the following motion:

The Board finds that in order to protect public health, safety, and welfare, it is necessary to adopt an emergency rule to amend chapter 246-272A WAC to allow the Department to consider written requests from manufacturers of proprietary treatment products for retrofits to proprietary treatment product components that will allow systems to continue to function properly without negatively impacting treatment, operation, or maintenance during supply chain shortages. The Board directs staff to file a CR-103E, Emergency Rulemaking Order, to amend WAC 246-272A-0110 within chapter 246-272A WAC, which will become effective immediately upon filing with the code reviser. The Board further directs staff to consider the emergency changes in the permanent on-site sewage system rulemaking.

#### Staff

Stuart Glasoe

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at <u>kelie.kahler@sboh.wa.gov.</u> TTY users can dial 711.

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#### STATE OF WASHINGTON DEPARTMENT OF HEALTH OFFICE of ENVIRONMENTAL HEALTH and SAFETY PO Box 47824, Olympia, WA 98504 (360) 236-3330 • 711 Washington Relay Service

June 1, 2022

TO:	Michelle Davis, Executive Director State Board of Health
FROM:	Todd Phillips, Director Office of Environmental Health and Safety
SUBJECT:	Emergency rule request, WAC 246-272A-0110, Proprietary treatment products - Certification and registration.

The Department of Health (department) requests the State Board of Health adopt an emergency rule to allow on-site sewage systems proprietary treatment products to be operated and maintained with the best components available during an ongoing supply chain shortage.

WAC 246-272A-0110, requires manufacturers of proprietary treatment products used in on-site sewage systems to test their products with the National Science Foundation (NSF) and register their products with the department based on the NSF test results before the product is allowed to be permitted or installed in Washington. This allows the department to ensure that products used in on-site sewage systems can provide the appropriate level of treatment needed to protect public health and the environment such as such as drinking water sources and shellfish sites. Proprietary treatment products are required to be installed and operated as they were tested and registered to ensure they continue to perform as needed. Supply chain disruptions have occasionally made this requirement difficult for manufacturers and owners to comply with, particularly in recent years.

Some manufacturers have incorporated disinfecting ultraviolet (UV) light systems into their products to achieve higher treatment performance required for sensitive sites. These disinfecting UV light systems require routine maintenance that requires replacement supplies. Salcor Inc., the manufacturer of a disinfecting UV light system incorporated into several proprietary treatment products sold and currently in use in Washington, has recently ceased operation. This has created a sudden shortage of Salcor supplies that are needed for operation and maintenance for on-site sewage systems currently in operation. Exact numbers are unavailable, but we know there are several thousand on-site sewage systems using Salcor products in Washington.

Without these supplies, the on-site sewage systems that use Salcor products do not operate as registered and may not completely treat sewage. This may impact sensitive sites near to these on-site sewage systems. It is also currently preventing home sales when maintenance of these devices is noted on home inspections for property transfers because replacement parts are unavailable. New construction is likewise impacted as many active or pending permits include on-site sewage systems using Salcor products. There are other manufacturers of disinfecting UV light systems that can be substituted into the proprietary treatment products that use Salcor products.

The request for an emergency rule is intended to allow manufacturers to make a written request to substitute components of a registered product's construction in cases of a demonstrated supply chain shortage or similar manufacturing disruptions that may impact installations, operation, or maintenance. The request must include information that demonstrates the substituted component will not negatively impact performance or diminish the effect of the treatment, operation, and maintenance of the original registered product. This is a short-term solution that will provide appropriate public health and environmental protections while limiting negative impacts to home sales and construction. A long-term solution will be investigated and developed for incorporation into the permanent rulemaking while this emergency rule is in effect.

Respectfully,

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Todd Phillips, R.S. Director, Office of Environmental Health & Safety

AMENDATORY SECTION (Amending WSR 05-15-119, filed 7/18/05, effective 9/15/05)

WAC 246-272A-0110 Proprietary treatment products—Certification and registration. (1) Manufacturers shall register their proprietary treatment products with the department before the local health officer may permit their use.

(2) To qualify for product registration, manufacturers desiring to sell or distribute proprietary treatment products in Washington state shall:

(a) Verify product performance through testing using the testing protocol established in Table I and register their product with the department using the process described in WAC 246-272-0120;

(b) Report test results of influent and effluent sampling obtained throughout the testing period (including normal and stress loading phases) for evaluation of constituent reduction according to Table II;

(c) Demonstrate product performance according to Table III. All ((thirty-day)) <u>30-day</u> averages and geometric means obtained throughout the test period must meet the identified threshold values to qualify for registration at that threshold level; and

(d) For registration at levels A, B, and C verify bacteriological reduction according to WAC 246-272A-0130.

(3) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility accredited by ANSI:

(a) ANSI/NSF Standard 40—Residential Wastewater Treatment Systems;

(b) NSF Standard 41: Non-Liquid Saturated Treatment Systems;

(c) NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation; or

(d) Protocol for bacteriological reduction described in WAC 246-272A-0130.

(4) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility meeting the requirements established by the Testing Organization and Verification Organization, consistent with the test protocol and plan:

(a) EPA/NSF—Protocol for the Verification of Wastewater Treatment Technologies; or

(b) EPA Environmental Technology Verification Program protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction.

(5) Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

(6) Manufacturers may make written request to the department to substitute components of a registered product's construction in cases of supply chain shortage or similar manufacturing disruptions that may impact installations, operation, or maintenance. The request must include information that demonstrates the substituted component will not negatively impact performance or diminish the effect of the treatment, operation, and maintenance of the original registered product.

TABLE	Ι
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Testing Requirements for Proprietary Treatment Products			
Treatment Component/ Sequence Category	Required Testing Protocol		
<b>Category 1</b> Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	ANSI/NSF 40— Residential Wastewater Treatment Systems (protocols dated between July 1996 and the effective date of these rules)		
<b>Category 2</b> Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E.	EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies/ EPA Environmental Technology Verification (April 2001)		
(Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)			
<b>Category 3</b> Black water component of residential sewage (such as composting and incinerating toilets).	NSF/ANSI Standard 41: Non-Liquid Saturated Treatment Systems (September 1999)		
	NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation (April 2000)		
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction/EPA Environmental Technology Verification Program (November, 2000)		

#### TABLE II

Test Results Reporting Requirements for Proprietary Treatment Products			
Treatment Component/Sequence Category	Testing Results Reported		
<b>Category 1</b> Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	Report test results of influent and effluent sampling obtained throughout the testing period for evaluation of constituent reduction for the parameters: CBOD <sub>5</sub> , and TSS:		
	□ Average	Standard Deviation	
	🗆 Minimum	Maximum	
	Median	Interquartile Range	
	<ul> <li>30-day Average (for each month)</li> <li>For bacteriological reduction performance, report fecal coliform test results of influent and effluent sampling by geometric mean from samples drawn within ((thirty-day)) <u>30-day</u> or monthly calendar periods, obtained from a minimum of three samples per week throughout the testing period. See WAC 246-272A-0130.</li> <li>Test report must also include the individual results of all samples drawn throughout the test period.</li> </ul>		

Test Results Reporting Requirements for Proprietary Treatment Products			
<b>Category 2</b> Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E.	Report all individual test results and full test average values of influent and effluent sampling obtained throughout the testing period for: CBOD <sub>5</sub> , TSS and O&G. Establish the treatment capacity of the product tested in pounds per day for CBOD <sub>5</sub> .		
(Such as at restaurants, grocery stores, mini- marts, group homes, medical clinics, residences, etc.)			
<b>Category 3</b> Black water component of residential sewage (such as composting and incinerating toilets).	Report test results on all required performance criteria according to the format prescribed in the NSF test protocol described in Table I.		
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Report test results on all required performance criteria according to the format prescribed in the test protocol described in Table I.		

#### TABLE III

Product Performance Requirements for Proprietary Treatment Products						
Treatment Component/Sequence Category	Product Performance Requirements					
<b>Category 1</b> Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	Treatment System Performance Testing Levels					
	Level	Level Parameters				
		CBOD <sub>5</sub>	TSS	O&G	FC	TN
	Α	10 mg/L	10 mg/L		200/100 ml	
	В	15 mg/L	15 mg/L		1,000/100 ml	
	C	25 mg/L	30 mg/L		50,000/100 ml	
	D	25 mg/L	30 mg/L			
	E	125 mg/L	80 mg/L	20 mg/L		
	Ν					20 mg/L
	TSS, and the test pe these leve	geometric m eriod must m els.	ean for FC. eet these va	) All 30-da lues in ord	verages for CBC y averages throu er to be registere full test averages	ghout d at
<b>Category 2</b> Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E.	All of the following requirements must be met:					
	(1) A	Il full test av	erages mus	t meet Lev	el E; and	
(Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	(2) Establish the treatment capacity of the product tested in pounds per day for $CBOD_5$ .					
<b>Category 3</b> Black water component of residential sewage (such as composting and incinerating toilets).	Test results must meet the performance requirements established in the NSF test protocol.					
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Test results must establish product performance effluent quality meeting Level N, when presented as the full test average.					

## **Board Authority**

## RCW <u>43.20.050</u>

# Powers and duties of state board of health—Rule making—Delegation of authority—Enforcement of rules.

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules for group A public water systems, as defined in

RCW <u>**70A.125.010**</u>, necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants;

(b) Adopt rules as necessary for group B public water systems, as defined in RCW <u>70A.125.010</u>. The rules shall, at a minimum, establish requirements regarding the initial design and construction of a public water system. The state board of health rules may waive some or all requirements for group B public water systems with fewer than five connections;

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

(d) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, and cleanliness in public facilities including but not limited to food service establishments, schools, recreational facilities, and transient accommodations;

(e) Adopt rules for the imposition and use of isolation and quarantine;

(f) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and

conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule; and

(g) Adopt rules for accessing existing databases for the purposes of performing health related research.

(3) The state board shall adopt rules for the design, construction, installation, operation, and maintenance of those on-site sewage systems with design flows of less than three thousand five hundred gallons per day.

(4) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(5) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he or she shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(6) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

[ 2021 c 65 § 37; 2011 c 27 § 1; 2009 c 495 § 1; 2007 c 343 § 11; 1993 c 492 § 489; 1992 c 34 § 4. Prior: 1989 1st ex.s. c 9 § 210; 1989 c 207 § 1; 1985 c 213 § 1; 1979 c 141 § 49; 1967 ex.s. c 102 § 9; 1965 c 8 § 43.20.050; prior: (i) 1901 c 116 § 1; 1891 c 98 § 2; RRS § 6001. (ii) 1921 c 7 § 58; RRS § 10816.]



#### STATE OF WASHINGTON WASHINGTON STATE BOARD OF HEALTH PO Box 47990 • Olympia, Washington 98504-7990

**WHEREAS** the Washington State Board of Health was established by the State Constitution in 1889;

**WHEREAS** the Board provides a forum for developing public health policy in Washington State and is empowered to hold hearings and explore ways to improve the health status of people in Washington;

**WHEREAS** Stephen Kutz was appointed to the Board in April 2011 by Governor Gregoire to serve as an individual from a federally recognized tribe with experience in matters of health and sanitation; and Governor Inslee subsequently reappointed him in 2013, 2016 and 2019;

**WHEREAS** Mr. Kutz brought to the Board a rich and varied background, as an American Indian activist and health care leader at the local, state, and national levels;

**WHEREAS** Mr. Kutz has dedicated more than 50 years to improving the health of service members, tribal and local communities through his work with the US Army Public Health and Occupational Health programs, the Cowlitz and Suquamish Indian Tribes, and Mason County Department of Health Services;

**WHEREAS** Mr. Kutz has a deep and abiding dedication to our country as evidenced by his career in the United States Army, retiring as a US Army Lieutenant Colonel with 20 years as an Army Nurse with the US Army Medical Department and four-and-a-half years with US Army Reserves;

WHEREAS Mr. Kutz has dedicated much of his distinguished career to tribal communities, serving as a member of the Cowlitz Tribal Council for more than 20 years, working with Indian Health Services and his tribe to establish the Cowlitz Indian Tribal Clinics in Longview, Vancouver and Seattle, and serving as a member of the CDC and the NIH Tribal Advisory Committees, and most recently through his work as the Health Clinic Director for the Suquamish Indian Tribe, where he is establishing the first tribal health clinic to provide the health care that was that was promised under the Point Elliot Treaty in 1855;

**WHEREAS** Mr. Kutz continues to lead and create opportunities for improved health and health care for the people of his community and people across Washington state through his efforts as a founding board member of multiple Accountable Communities of Health; his capable chairmanship of the American Indian Health Commission, and his participation on the Governor's Health Advisory Council;

**WHEREAS** Mr. Kutz has exhibited a profound commitment to assuring foundational public health services are available in every community in Washington through his leadership as a co-chair of the state's Foundational Public Health Services committee, which has helped secure funding for the governmental public health system in the amount of \$175 million for the 2021-23 biennium;

WHEREAS Mr. Kutz has somehow, remarkably, found the time actively engage in Board meetings and policy committee meetings, sponsor critical rule development projects such as notifiable conditions and

handling of human remains, and serve as the Board's representative to the Governor's Interagency Council on Health Disparities, and in doing so has brought the sum of his life experience and wisdom, assuring that the voices of Indian Country are heard in the Board's deliberations;

WHEREAS Mr. Kutz has accomplished this and much more with compassion and integrity;

**THEREFORE BE IT RESOLVED** that the Board recognizes and thanks Stephen Kutz for more than eleven years of dedicated and outstanding service to the people of Washington State by working to assure the public's health as a member of the Washington State Board of Health.



## STATE OF WASHINGTON WASHINGTON STATE BOARD OF HEALTH

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WHEREAS the Washington State Board of Health was established by the State Constitution in 1889;

**WHEREAS** the Board provides a forum for developing public health policy in Washington State and is empowered to hold hearings and explore ways to improve the health status of people in Washington;

**WHEREAS** Keith Grellner was appointed to the Board in March 2011 by Governor Gregoire to serve as an individual with experience in matters of health and sanitation; and Governor Inslee subsequently reappointed him three times, and appointed him as Chair of the Board in November 2014;

**WHEREAS** Mr. Grellner has dedicated his career to protecting and improving the health of people in his community through his work at Kitsap Public Health District since 1989, serving as the Environmental Health Director from 2009 - 2016, and serving as the District's Administrator for the last six years, where he led the District's response to the COVID-19 pandemic;

**WHEREAS** Mr. Grellner has, as President of the Board of the Washington State Association of Local Public Health Officials, humbly guided and mentored his public health colleagues across the state in their efforts to collaborate, advance and transform public health, educate and inform policymakers on local health issues, and advocate for public health policy; and through these efforts has helped secure new, significant funding to help assure that foundational public health services can be equitably provided by the governmental public health system in every Washington community;

**WHEREAS** during his time at the Board, Mr. Grellner has sponsored the development of numerous environmental public health and safety rules covering topics such as food and drinking water safety, school environmental health, rabies, shellfish, contaminated properties, and animal waste, and has capably chaired the Boards' Environmental Health Committee, all the while generously sharing his expertise with colleagues and mentoring Board staff;

**WHEREAS** Mr. Gellner has created a safe, and welcome space for the public to share their concerns, ideas, hopes, and feedback on a broad array of policy issues including high-interest issues such as immunizations, vapor products, and pandemic response;

**WHEREAS** Mr. Grellner has approached his work with a commitment to fairness, evidence-based decision making and equity;

**THEREFORE BE IT RESOLVED** that the Board thanks and recognizes Keith Grellner for his dedicated and outstanding service to the people of Washington State by working to protect and advance the public's health, while striving to do what is right rather than what is easy, as a member of the Washington State Board of Health.