

PUBLIC COMMENT

From: Jean Mendoza
Sent: Monday, May 9, 2022 2:12 PM
To: DOH WSBOH Health Disparities Council
Cc: calkins@westernlaw.org
Subject: May 19 Meeting
Attachments: 2022 05 06 WELC et al. Letter to Dir. Watson re Outreach and CAFO General Permit (1).pdf

External Email

Dear Governor's Interagency Council in Health Equity,

Would you please share the attached letter with the Council on May 19? The signees have outlined our concerns regarding community engagement and the WA State Dept. of Ecology. It is our understanding that Ecology is currently working hard on engagement issues and we believe our letter offers some important suggestions.

Thank you so much.

Jean Mendoza

Friends of Toppenish Creek

May 6, 2022

Via First Class and Electronic Mail

Laura Watson, Director
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Environmental Justice and Washington Concentrated Animal Feeding Operations Permitting

Dear Director Watson,

Puget Soundkeeper Alliance, Friends of Toppenish Creek, Sierra Club, Waterkeeper Alliance, Center for Food Safety, and Western Environmental Law Center, and their tens of thousands of members, supporters, and volunteers throughout the State of Washington, are writing to express our concern with the Department of Ecology's (Ecology) failure to engage with communities impacted by discharge from Concentrated Animal Feeding Operations (CAFO) while drafting its general NPDES permit.¹

Introduction

As we have made clear in our advocacy during the CAFO permitting process, Ecology must engage with the communities impacted by its regulatory decisions, particularly those already overburdened by past and ongoing environmental discrimination. Because Ecology is the state agency charged with protecting our air and water, this engagement is not only a moral imperative but also a legal requirement.

Ecology acknowledges this moral and legal requirement. Yet, in its efforts to develop a general NPDES permit for CAFOs, Ecology is failing to engage with the people directly harmed by pollution from these operations. Because of this, the agency is uninformed of the true impacts and interests of the people working and living in and around CAFOs, and is at risk of producing yet another inadequate and unprotective general permit.

CAFOs have profoundly negative impacts on the health of workers and the people who live in surrounding communities, including through pollutant discharge into water.² As a result,

¹ We use the terms "impacted" and "affected" to refer to regions and people subject to harms from CAFO discharges ranging from lack of access to healthy drinking water to impacts on fish that are an important source of food. Because there is the tendency for CAFOs to be located in regions where people experience cumulative environmental burdens, these terms overlap with the "vulnerable populations" and "overburdened communities" identified in the HEAL Act. *See* RCW 70A.02.010.

² *See, e.g.,* Grout et al., A Review of Potential Public Health Impacts Associated With the Global Dairy Sector, 4 *GeoHealth* 1 (January 30, 2020); Carrie Hribar, Understanding concentrated animal feeding operations and their impact on communities, National Association of Local Boards of Health at 7, 9 (2020) available at https://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf.

Ecology must actively engage members of communities affected by CAFO discharge in a dialogue regarding the impact of industrial dairy farms on their water, the legal requirements mandating NPDES permitting of these operations, the scope of the general permit, and the needs and wishes of the members of the local community regarding the regulation of these entities under federal and state clean water law. To do less is unacceptable in any case, but is particularly egregious here given the agency's professed commitment to environmental justice.

I. Ecology's mission and duties mandate attention, consultation, and engagement with people affected by CAFO discharge

Ecology's mission is to “[p]rotect, preserve and enhance Washington’s land, air and water for current and future generations.”³ This mandate to protect our natural resources is broad, and is based on the “fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment and to benefit from the proper development and use of its natural resources.”⁴ To carry out this mission effectively, Ecology, “in consultation with affected constituent groups, [must] continue appropriate public involvement and outreach mechanisms designed to provide cost-effective public input on their programs and policies.”⁵

While the duty to consult with communities affected by pollution is not new, it is now informed by the specific duties of the HEAL Act, passed in 2021, requiring the agency to act towards realizing environmental justice for overburdened communities and vulnerable populations.⁶ Ecology reaffirms this duty by stating that it is “committed to making decisions that do not place disproportionate environmental burdens” on communities in Washington State.⁷ Further, the agency recognizes that full participation by impacted communities in decision-making is an essential step toward environmental justice.⁸ This is consistent with the HEAL Act's requirement that Ecology adopts and implements a plan to engage overburdened communities and vulnerable populations by July 1, 2022.⁹

Because Ecology failed to draft a general permit that met the mandates under state and federal law, CAFOs in Washington State now operate under a permit that expired in March 2022.¹⁰ Ecology's current timeline indicates it plans to release a draft general permit by late

³ Ecology, About Us <https://ecology.wa.gov/About-us> (last visited April 8, 2022).

⁴ RCW 43.21A.010.

⁵ RCW 43.20A.005.

⁶ Engrossed Second Substitute Senate Bill 5141 67th Leg. 2021 Reg. Session (HEAL Act).

⁷ Ecology, Environmental Justice <https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice> (last visited May 2, 2022).

⁸ *Id.*

⁹ RCW 70A.02.050(1).

¹⁰ Ecology, Concentrated Animal Feeding Operation <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Concentrated-animal-feeding-operation> (last visited May 4, 2022); *Washington State Dairy Fed'n v. State*, 18 Wash. App. 2d 259, 304, 490 P.3d 290 (2021).

spring 2022 for public comment.¹¹ This means the first stage of drafting will be complete before the July 1 date by which the HEAL Act requires Ecology to adopt its engagement plan. However, any attempt by Ecology to suggest it has some grace period not to engage because its plan is not required at the time the draft permit is released is contrary to stated policy and statutory mandates.

First, as discussed above, Ecology itself states that it is “committed to providing environmental justice to our most vulnerable communities.”¹² It claims that environmental justice “is a priority in our efforts to restore and protect land, air, and water.”¹³ The agency does not tie this commitment to a timeline but indicates it is working towards environmental justice now. Second, under RCW 43.20A.005, the agency has a statutory duty predating the HEAL Act to make at least some effort toward facilitating public engagement.¹⁴ Third, the Clean Water Act requires “[p]ublic participation in the development, revision, and enforcement of any regulation, standard, effluent limitation, plan, or program established by the Administrator or any State.”¹⁵ This was one of the legal mandates that Ecology violated in its last iteration of the permit according to the Washington State Court of Appeals.¹⁶

Finally, apart from policy declarations and statutory duties, any suggestion by Ecology that it is not prepared to effectively engage in outreach is belied by the fact that it already has started outreach efforts under the Climate Commitment Act.¹⁷ Through this program, it is seeking input **from some of the very same communities most impacted by CAFOs**. Despite this overlap, Ecology is not coordinating these efforts.¹⁸ Additionally, Ecology can look to the Environmental Justice Task Force Final Report, produced nearly two years ago, for detailed information about approaches for effectively facilitating community engagement.¹⁹

¹¹ Ecology, Concentrated Animal Feeding Operation <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Concentrated-animal-feeding-operation> (last visited May 4, 2022).

¹² Ecology, Prioritizing EJ <https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/Prioritizing-EJ> (last visited April 12, 2022).

¹³ *Id.*

¹⁴ RCW 43.20A.005.

¹⁵ 33 U.S.C. § 1251(e).

¹⁶ *Washington State Dairy Fed'n v. State*, 18 Wash. App. 2d 259, 304, 490 P.3d 290 (2021).

¹⁷ See Ecology, Improving Air Quality in Overburdened Communities <https://storymaps.arcgis.com/stories/1409205ca61847faa4194072330709cd> (last visited May 4, 2022); See also Ecology, Overburdened communities <https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/Climate-Commitment-Act/Overburdened-communities> (last visited April 12, 2022).

¹⁸ *Id.*

¹⁹ Washington State Environmental Justice Task Force Final Report (Fall 2020).

II. To comply with its own policy goals and its legal duty to realize environmental justice, Ecology must engage those members of overburdened communities and vulnerable populations affected by CAFO discharge²⁰

Environmental justice is an effort to redress the impacts of historical and ongoing racism and poverty on the distribution of environmental benefits and harms and resulting health outcomes. Currently, the pattern seen across the United States and within Washington State is the inequitable distribution of environmental burdens and benefits, where the cumulative harms of pollutants and other environmental risk factors fall hardest on people of color, Indigenous and Tribal people, and low-income residents, among others.²¹ These disparate environmental impacts result in clear patterns of higher mortality rates and worse general health outcomes for people with historically marginalized identities.²² The discrimination driving the decision-making by governmental entities that lead to these patterns is directly related to failures to ensure that people with historically marginalized identities have a voice and power in decisions directly affecting them. Thus, a governmental entity, such as Ecology, in working towards repairing its and other entities' legacies of discrimination must ensure the right of individuals most impacted by environmental decisions to "participate as equal partners at every level of decision-making, including during needs assessment, planning, implementation, enforcement, and evaluation."²³ Waiting until decision-making processes have already reached draft form is too late because, at this point, members of these communities have already been stripped of the power to drive the shape and parameters of the governmental action.

In Washington State, many CAFOs regulated under Ecology's general permit occur in regions, such as Yakima County, with a higher proportion of low-income and Indigenous people,

²⁰ The HEAL Act defines an "overburdened community" as "a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW [19.405.020](#)." RCW 70A.02.010(11). It defines "vulnerable populations" as

population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

RCW 70A.02.010(14)(a).

The Heal Act states that the term "vulnerable populations" "includes, but is not limited to: (i) Racial or ethnic minorities; (ii) Low-income populations; (iii) Populations disproportionately impacted by environmental harms; and (iv) Populations of workers experiencing environmental harms." *Id.*

²¹ See, e.g., Julie Sze, *Environmental Justice in a Moment of Danger* (2020); Clifford Villa et al., *Environmental Justice: Law, Policy & Regulation*, Third Edition (2020).

²² See, e.g., Rachel Morello-Frosch et al., *Understanding the Cumulative Impacts of Inequalities in Environmental Health: Implications for Policy*, 30 *Health Affairs* 879 (May 2011).

²³ See First National People of Color Environmental Leadership Summit, *Principles of Environmental Justice* (1991), available at <https://www.ejnet.org/ej/principles.html>.

people of color, and Tribal members living and working in the area.²⁴ People with these historically marginalized identities who live and work in the regions where CAFOs tend to be clustered experience elevated environmental burdens where community members suffer worse health outcomes as a result of air and water pollution, including higher rates of asthma, lower birth rates, and shorter life-spans.²⁵

Ecology's current regulatory approach for addressing the environmental damage of CAFOs is through its NPDES general permitting program. Under federal law, as reiterated and reaffirmed by the Washington State Court of Appeals in June 2021, Ecology must provide a means for the public to comment on the draft NPDES permit for regulating CAFO discharge. Under state law, Ecology must work to engage and consult with impacted communities. Finally, Ecology's commitment to equity and environmental justice makes it imperative that it ensure the full participation of local communities in the process.

III. Ecology's public outreach to date has been inadequate

So far, unfortunately, Ecology has failed to engage impacted communities sufficiently.²⁶ In contrast, the agency has reached out to and visited the *regulated* community.²⁷ Fortunately, there is still time for Ecology to take the necessary steps to engage the public before finalizing the draft permit.

As Ecology is well aware, the permitting process is complex. Fundamental, therefore, to enfranchising people who are not experts in the technical or legal field, but are experts in their own lived experience, is effectively communicating to the public the impacts of CAFOs on water, the function of NPDES permitting to address these impacts, the process by which Ecology goes about developing these permits, and how affected individuals can be involved in the process. Ecology's website is one obvious place where the agency should host this information.

²⁴ U. S. Census, Quickfacts Washington State <https://www.census.gov/quickfacts/fact/map/WA,US/PST045221> (last visited April 28, 2022).

²⁵ See, e.g., E. Min, Quantifying the Distribution of Environmental Health Threats and Hazards in Washington State Using a Cumulative Environmental Inequality Index, 14 Environmental Justice 298 (2021) (determining that pollution burdens in general, are significantly higher for people of color and those living in poverty in Washington State); Esmey Jimenez, New Map Shows Hotspots Of Environmental Health Hazards For Washington Neighborhoods, Northwest Public Broadcasting (January 10, 2019) (describing Yakima County's reduced health outcomes as appearing like "a big, red blemish" on the Washington State Health Disparities Map) available at <https://www.nwpb.org/2019/01/10/new-map-shows-hotspots-of-environmental-health-hazards-for-washington-neighborhoods/>; Jacques Colon, The Disproportionate Burden of Fossil Fuel Air Pollution on Communities of Color in Washington State, Front and Centered Report (June 15, 2016) (describing shorter life-spans on average resulting from community exposure to cumulative environmental harms).

²⁶ Chelsea Morris mentioned that she was sending information to one community group at our meeting with her on January 7, 2022.

²⁷ Statements by Chelsea Morris during the September 21, 2021 meeting between Ecology's Chelsea Morris, Jeff Killelea, Nathan Lubliner, and members of Center for Food Safety, Friends of Toppenish Creek, and Puget Soundkeeper Alliance.

Currently, Ecology’s website does not provide this information. In particular, it does not explain the permitting process, discuss why permitting is needed for CAFOs, or describe exactly how the agency develops the CAFO permit.²⁸ Instead, the website briefly mentions the current development of the general permit as a direct response to the June 2021 court opinion, with little further information, and no indication of how public input functions as part of what it is considering.

Further, the website’s information about opportunities to comment is stale, as it is limited to links for the two “listening sessions” held in October 2021 and a link to an “online comment form” that closed on Sunday, October 24, 2021.²⁹ Information such as the “Detailed Explanation of the Permits” discusses the previous iteration of the permit and is long and dense rather than user-friendly.³⁰

Ecology has provided a Spanish-language focus sheet discussing the NPDES permit regulation of CAFOs, including a description of the potential for the operations to pollute drinking water, and instructions for reporting contamination.³¹ This sheet provides one possible starting point for developing more information on the website itself. However, it does not provide a discussion of the current permitting process, nor does it invite input.³² So it does not solve the website’s fundamental lack of information regarding the permitting process.

Another approach to outreach is public forums, including listening sessions. Ecology had two virtual listening sessions in October 2021. Unfortunately, these listening sessions did not represent effective forums for communication. They did not provide clear information but rather meandered through the dense technical weeds of the court opinion and Ecology's concerns.

²⁸ The site links to a fact sheet in Spanish that at least provides some basic explanation of the problem. Translating some of this fact sheet back to English, particularly in the discussion of the impact of CAFO discharge on drinking water could be one, of many, ways Ecology could update the landing site to make it more relevant and useful to people affected by CAFO discharge in their region. *See*, Ecology, Hoja de Enfoque: Permiso de Operación de Alimentación de Animales Confinados (April 2022) available at <https://apps.ecology.wa.gov/publications/parts/1710002part1.pdf>.

²⁹ As we communicated to Ecology during the January 7, 2022 meeting, those “listening sessions” were deeply flawed.

³⁰ Ecology, Fact Sheet for the Concentrated Animal Feeding Operation National Pollutant Discharge Elimination System and State Waste Discharge General Permit and Concentrated Animal Feeding Operation State Waste Discharge General Permit (June 15, 2016) available at <https://ecology.wa.gov/DOE/files/a3/a36ceb3d-7767-4a21-a354-d4b7c1965c95.pdf>.

³¹ Ecology, Hoja de Enfoque: Permiso de Operación de Alimentación de Animales Confinados (April 2022) available at <https://apps.ecology.wa.gov/publications/parts/1710002part1.pdf>. The opportunity to report violations is not currently an effective way for people in the community to protect their waters given apparent failures in agency response to these reports. This is, in part, the result of the 2011 Memorandum of Understanding between Ecology and the Washington State Department of Agriculture, which has led to holes between permitting under state and federal clean water law and enforcement in situations where dairies are violating the law.

³² It is a positive step that Ecology provides the possibility of translated materials via contacting Chelsea Morris or Ecology’s Language Access Team. But this service still requires a member of the community know what information it is he/she/they seek, take the step of asking for that information to be translated, and be prepared to wait however long it takes the agency to return the translated materials.

Further, the information provided was not always accurate. The webinars were hosted on a platform that disenfranchised participants because people could not see each other, and the webinars were not moderated in any way to facilitate comments by those not part of the regulated community. Finally, when people, for example from the regulated community, spoke the agency did not provide information about these speakers and their involvement and interests in the process or correct the misinformation that was provided.

Providing clarity of process and a sense that input is valued and can impact agency decision-making is essential to effective engagement. Unfortunately, as described above, Ecology does not explain how it will use public input in its permit development process. And by stating on its website that it “will not create a formal response to verbal or written comments during [its] listening session comment period”³³ it gives the appearance of relieving itself of any duty to consider the comments.

This opacity of process, apparent lack of interest in community dialogue, and failure to even do the minimum on its website or in forums to reduce barriers to access for members of the impacted community is unacceptable. We know Ecology can do better.

V. **Ecology must engage in far more effective outreach as it develops the draft and final CAFO general permit**

As mentioned above, Ecology has the internal knowledge, connections, and resources to far more effectively engage and empower members of impacted communities in the process of CAFO permit development than it has done so far. Given the legal and policy landscape under which it is undertaking this process, the agency does not have a choice. It must do a better job. Although ultimately, it is the agency's role to develop an engagement plan, we provide some basic expectations below for how the agency might improve its outreach and engagement with impacted communities moving forward.

These expectations arise out of our recognition of the barriers to engagement experienced by members of impacted communities resulting from the systems of oppression, including White supremacy, settler colonialism, capitalist hegemony, patriarchy, and Christian hegemony threaded through agency culture and structure.³⁴ These barriers include lack of access and information, failure of effective communication, apathy and a sense of burden, lack of clear and transparent process, lack of resources, lack of a sense of potential for influence, lack of trust, and a failure to recognize different types of knowledge.³⁵ Many of these barriers result from Ecology's fundamental failure to recognize its role as the steward of the state's clean water, and the expertise people in communities impacted by CAFOs have regarding their own life experiences. Realizing environmental justice requires Ecology to approach these communities with humility, an interest

³³ Ecology, Concentrated animal feeding operations, <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Concentrated-animal-feeding-operation> (last visited May 4, 2022).

³⁴ Washington State Environmental Justice Task Force Final Report at Appendix C (Fall 2020).

³⁵ *Id.* at 64, Appendix C.

in what people can tell them about their experience, and a willingness to allow that information to impact its decision-making.

We recognize that the agency will continue to work through the more fundamental structural and cultural barriers to achieving environmental justice. Related to this, however, Ecology must do a much better job of reaching out to the communities most impacted by pollution from CAFOs. Below are some of the first steps we expect to see from Ecology as it develops the CAFO general permits.

A. Provide better information.

As described above, Ecology has not provided easy access to or effective communication of information about the CAFO permitting process, including how Ecology will consider comments from community members. **Ecology should improve the website, as described above, and host community events, whether virtual or in-person, to provide basic, jargon-free information about the problem, process, and potential for engagement.** Optimally, this information would be provided in English and languages other than English, and delivered through a variety of media, recognizing that providing information only through the written word often presents a barrier in and of itself.

B. Use a variety of platforms and media to communicate information.

Currently, Ecology's failure to widely distribute information across different platforms disenfranchises members of the impacted community. **Ecology must distribute information about CAFOs, their impact, the permits, the permitting process, and opportunities to engage, both online and via meetings, across platforms, to those individuals in regions affected by the permits through electronic and other means (such through churches, colleges, community centers, groceries, food banks, feed stores, hardware stores, the Yakima Herald Republic, Cascadia Weekly, and Radio KDNA).**

C. Coordinate internally to identify groups and individuals in the communities impacted by CAFOs to invite them into the conversations about the CAFO permitting process.

As discussed above, Ecology is already conducting outreach and listening sessions consistent with the Climate Commitment Act in regions also affected by entities covered by the CAFO general NPDES permit. By failing to coordinate internally, the agency disenfranchises members of the communities by failing to make a reasonable effort to reach out to them about CAFO impacts and additionally burdening the local communities with trying to understand the agency's role in the region. **Ecology should therefore coordinate with those agency employees developing the Air Quality in Overburdened Communities Initiative to identify common regions of concern and reach out to people already engaged with the agency in these areas.**³⁶

³⁶ For example, the agency now has a list with addresses and phone numbers of individuals who had expressed concerns about Yakima air quality over the years as a result of efforts on the part of Friends of Toppenish Creek. This is exactly the sort of resource that should be shared within the agency. It is an obvious first step to mail information about the CAFO permitting process, in multiple languages, to these people.

D. Convene organizations and individuals to gather input on how best to reach out to and communicate with those directly impacted by CAFOs

People and organizations in Whatcom County and Yakima are experts in their experience of the impact of CAFOs. They are also knowledgeable about each other and how to communicate with people living and working in these regions. Yet, Ecology has not made an effort to gather input on outreach from these groups and individuals. Instead, it expects the communities and individuals to do the outreach that it should be doing. This further burdens groups and individuals already stretched thin by multiple overlapping crises³⁷ and ensures that barriers to access are strengthened rather than dismantled. **Given the wealth of expertise available and recognizing the burdens already faced by organizations and individuals, Ecology should convene these groups and individuals and collect information from them regarding how best to conduct outreach. These meetings should follow best practices in recognizing barriers to participation in meetings and Ecology should communicate how it intends to use the information. It should also provide follow-up demonstrating that it relied on the information as a way to establish the value of the input of these organizations and individuals.**

E. Host more frequent and more accessible meetings that empower members of the community.

Ecology's approach to meetings creates barriers to access. **Ecology should provide more opportunities for the impacted community to discuss their lived experience of CAFOs with the agency.** Optimally, these opportunities would be in person, although we recognize that the pandemic continues to make this difficult. Regardless, these events must be organized to ensure that people feel empowered rather than excluded. **At a minimum, Ecology must provide the information participants need to feel comfortable speaking up in such a space. Further, participants must be able to see one another, the discussion must be sensitive to different abilities and languages, and Ecology should make sure that, when members of the regulated community provide inaccurate information, that information is challenged.**

VI. Conclusion

Ecology has a moral and a legal duty to engage people impacted by the entities they regulate, particularly members of those communities harmed by a history of discriminatory environmental decision-making. Yet, in the process of developing its general CAFO NPDES permit, the agency has, time and again, failed to make even the most basic attempt to include impacted community members. We urge Ecology to comply with law and policy as it moves forward in the process.

³⁷ Isabel Carrera Zamanill, Covid-19 Gap Analysis, Front & Centered Report (February 2021) available at <https://frontandcentered.org/wp-content/uploads/2021/02/FC-COVID-19-Gap-Analysis.pdf>; Alison Saldanha and Elise Takahama, Graphics tell story of COVID's unequal toll across WA, Seattle Times (April 12, 2022) available at <https://www.seattletimes.com/seattle-news/health/tracking-covids-unequal-unpredictable-toll-across-washington/>; Brandi Fullwood and Libby Denkmann, Whatcom County in Recovery Braces for More Floods, KUOW (February 3, 2022) available at <https://www.kuow.org/stories/whatcom-county-in-recovery-braces-for-more-floods>.

People most impacted by CAFOs in the state are themselves currently dealing with ongoing emergent situations ranging from the COVID-19 pandemic to flooding.³⁸ Indeed, COVID-19 has had a particularly harmful impact on the lives of people in Yakima Valley.³⁹ These multiplying crises mean that, rather than using COVID-19 as an excuse for its failure to engage the people impacted by CAFOS, the agency must redouble its efforts to protect these communities and empower their members in the process of permit development.

We look forward to supporting Ecology in these efforts. If you have questions or would like to talk with us further please feel free to reach out to Jennifer Calkins, at calkins@westernlaw.org or (206) 607-9867.

Sincerely,



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³⁸ Isabel Carrera Zamanill, Covid-19 Gap Analysis, Front & Centered Report (February 2021) available at <https://frontandcentered.org/wp-content/uploads/2021/02/FC-COVID-19-Gap-Analysis.pdf>; Alison Saldanha and Elise Takahama, Graphics tell story of COVID’s unequal toll across WA, Seattle Times (April 12, 2022) available at <https://www.seattletimes.com/seattle-news/health/tracking-covids-unequal-unpredictable-toll-across-washington/>; Brandi Fullwood and Libby Denkmann, Whatcom County in Recovery Braces for More Floods, KUOW (February 3, 2022) available at <https://www.kuow.org/stories/whatcom-county-in-recovery-braces-for-more-floods>.

³⁹ Isabel Carrera Zamanill, Covid-19 Gap Analysis, Front & Centered Report (February 2021) available at <https://frontandcentered.org/wp-content/uploads/2021/02/FC-COVID-19-Gap-Analysis.pdf>; Alison Saldanha and Elise Takahama, Graphics tell story of COVID’s unequal toll across WA, Seattle Times (April 12, 2022) available at <https://www.seattletimes.com/seattle-news/health/tracking-covids-unequal-unpredictable-toll-across-washington/>.