

Washington Department of Ecology
Legacy Pesticides Working Group
Meeting Summary Notes

Thursday, February 6, 2020 | 10:00 a.m. – 2:00 p.m.

Washington Department of Ecology – Union Gap Location, 1250 Alder St, Union Gap, WA 98903

Action Items

- ECY will create responses to all questions noted on the question cards that were collected at the meeting. They will send all the responses to the questions to the Legacy Pesticides Working Group
 - ECY will send out a survey regarding topics related to the working group before the end of February.
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Introductions

Facilitator Joy Juelson, Triangle Associates, welcomed the group (see list of attendees at the bottom of the summary) and acknowledged the time and effort the Legacy Pesticides Working Group (LPWG) members are contributing to participate. Joy introduced herself as a third-party neutral facilitator and resident of the Wenatchee valley for 30+ years. Members were invited to converse with her on issues related to the working group or the facilitation process. LPWG members and Ecology (ECY) staff introduced themselves. Joy noted there was numerous ECY staff present to ensure an appropriate amount of supporting for the LPWG. Members were thanked for being representatives of their affiliated agencies, organizations, or roles in their communities.

The LPWG then reviewed the agenda and Operating Principles (*please follow the [link here](#) to access a copy on the EZ webpage*). Joy reviewed the role and parameters of the working group. ECY convened the LPWG to advise them on identifying potential approaches to address lead and arsenic contamination on old orchards. The LPWG will provide recommendations for ECY's consideration. Joy explained that primary objectives for the LPWG are to:

- Create a process for all properties to be evaluated (i.e., sampled).
- Notify buyers and/or current homeowners about the specifics of contamination on their property. (Was it an old orchard? Was it sampled? What were the results? Was it cleaned up?)
- Identify cleanup measures that meet ECY's cleanup regulations.
- Create a broad-based education strategy for the public about the manageable risk from lead and arsenic.

Joy also so outlined the roles of the LPWG, ECY, and the facilitator.

Ecology Presentation – Legacy Pesticides History and Introduction

Jill Scheffer, ECY, presented background information and history regarding legacy pesticides in Washington State. She noted the Legacy Pesticides Working Group (LPWG) was created to address two

specific legacy pesticide elements, lead and arsenic. Under Washington State's cleanup law, the Model Toxics Control Act (MTCA), the high levels of lead and/or arsenic on previous orchard lands would establish them as cleanup sites. However, given the scope of this issue and the challenges it presents, ECY is open to other options provided they meet the requirements of MTCA. Jill noted that ECY brought the LPWG together to identify and recommend potential solutions that comply with MTCA, and protect public health. Although ECY was part of a Task Force (2003), recommendations were never implemented in Central Washington and over the years, little has changed to address the problem.

Currently, ECY requires cleanup for properties with lead over 250 ppm and arsenic over 20 ppm as per state law (MTCA). ECY's sampling across Central Washington and is seeing levels well above cleanup standards for previous orchard lands. ECY is looking to collaboratively address the problem and Jill notes ECY does not look to alarm the public, but ECY must take some level of action to comply with the law.

For a copy of the presentation, please follow the [link here](#) to access the presentation on the LPWG EZ webpage.

Subject Area Expert Stations

LPWG members rotated through six (6) stations focused on relevant topics and challenges. The six stations are noted below:

1. Data, Mapping, and Sampling
2. Health Information (presented by Department of Health)
3. Liability and Legal Issues (presented by Attorney General's Office)
4. Cleanup Measures
5. Cleanup of a Residential Development
6. Outreach and Education

At each station, LPWG members were encouraged to ask questions or write questions down on a note card so ECY can follow up.

What Does Success Look Like?

Once working group members attended the stations, Joy led them through an activity to identify common ideas of what success may look like from the LPWG. The following list notes the responses of the LPWG, categorized in general themes. Please note, many of the responses could fall under multiple themes, but were placed under the best fit theme.

Themes:

- ***Education and Outreach (informing the public):***
 - Create common sense education for the public
 - Create a 3-tiered educational program that includes the following:
 1. A clear pathway for SEPA
 2. A program for those who do not fall under SEPA (to help them make informed decisions)
 3. Information for already existing homeowners

- ***Potential Solutions or What a Solution Should Contain:***
 - A process with clear limits and responsibilities for developers (specifically liability and grower liability)
 - Provide definition of Titles and their impacts (related to Title 17)
 - Provide enforcement and insight
 - Programmatic solutions
 - Accurate public outreach
 - Individual acknowledgement that of potential risk (ex. Parcel notes regarding the liability)
 - Alternatives to keep costs down
 - Identified all the solutions.
 - Identify cost-effective measures
 - Create a mitigation measure that fits the needs for the situation
 - Create a collaborative plan
 - Create a common sense and reasonable approach that will work from Ecology, developers, lenders, and citizens/landowners
 - Create a degree of certainty for developers (keeping costs down)
 - An actionable plan that prioritizes health of the community
 - Give people the tools to make informed decisions
 - Affordable and reliable support for development especially new development
 - Involve agencies that are also not in the room
 - Develop a menu of the solutions (ex. Remediation, find solutions that work best for individuals)
- ***Improve Communication of Science, Data, Messaging***
 - Develop visual aids that accurately display the problem
 - Refrain from actions that may cause alarm
 - Refrain from notification for the sake of notification
 - Concern for understanding the science
 - Messaging from Ecology needs to be clear
 - Mapping and communications need to be aligned across agencies
 - Ensure agencies have the tools to help people.
- ***Improve the Science, Data, and Research***
 - Models must be based on factual evidence
 - Communicate actual experiences versus the worst-case scenarios
 - Research on actual blood lead levels on orchard lands (not blood levels related to smelter case)
 - Refrain from taking action before obtaining “good data”
 - Document hazard areas
- ***Others (difficult to fit in the previous themes)***
 - Ask ourselves “why are we doing this?” – challenging the premise

- o Differences: what is the policy and/or work that should be regulatory versus recommended (ex. Notifying individuals where an entity should vs. must notify).

ECY also noted their response to the question as the following:

- The recommendations and solutions would be practical, low-cost and/or cost effective, and manageable. Manageable for homeowners, developers, local officials, the general public, and all that are impacted by the decision.

Closing

Joy reminded the LPWG their role is to provide recommendations that fall within the legal binding of the law to address the solution. ECY will review all the question cards that were collected throughout the meeting and will follow up with the entire working group once they have answered all the questions.

The next steps for the working group will be to fill out an upcoming survey from ECY and attend the next LPWG on March 17 in Wenatchee.

Jim Pendowski, ECY, thanked the working group for their time and insights. He noted that the public is a large group of people that the group will need to consider as they produce the recommendations. He reminded the working group that the “what” of the topic is not up for debate, but the “how” is.

The meeting adjourned at 1:55 p.m.

Attendees

Clint Adamson	Pleasant Ridge Construction	Member
Lori Barnett	City of East Wenatchee	Member
Stephen Bishop	Premier One Properties	Member
Jim Blair	North Meridian Title and Escrow	Member
Lilian Bravo	Yakima Health District	Member
Joseph Calhoun	City of Yakima	Member
Joan Davenport	City of Yakima	Member
Lynn Deitrick	Yakima County	Member
Glen DeVries	City of Wenatchee	Member
Dean Emanuels	Washington Trust Bank	Member
Doug England	Chelan County	Member
Pete Fraley	Ogden Murphy Wallace	Member
Byron Gumz	Yakima County	Member
Ranie Haas	Washington State Tree Fruit Association	Member
Rob Jammerman	Wenatchee Valley Chamber of Commerce	Member
Steve King	City of Wenatchee	Member
Barry Kling	Chelan-Douglas Health District	Member
Hank Lewis	Local Homebuilding Interests	Member
Shawn Magee	Yakima Health District	Member
Ryan Mathews	Fulcrum Environmental	Member

Jake Mayson	Central Washington Home Builders Associations	Member
Deb Miller	Action Health Partners	Member
Don Mounter	Pipkin	Member
Dereck Nelson	DH Construction	Member
Mike Shuttleworth	Yakima Valley Conference of Governments	Member
Kyle Steinburg	Douglas County Commissioner	Member
Marian Abbett	Ecology	Station Lead
Ivy Anderson	Attorney General's Office	Station Lead
Eva Barber	Ecology	Station Lead
Cheryl Ann Bishop	Ecology	Lead Staff
Valerie Bound	Ecology	Lead Staff
Rebecca Lawson	Ecology	Station Lead
Jennifer Lind	Ecology	Station Lead
Elisabeth Long	Department of Health	Station Lead
Rhonda Luke	Ecology	Lead Staff
Joy Juelson	Triangle Associates	Facilitator
Pallavi Mukerjee	Ecology	Station Lead
Jeff Newschwander	Ecology	Station Lead
Lenford O'Garro	Department of Health	Station Lead
Sage Park	Ecology	Lead Staff
Jim Pendowski	Ecology	Lead Staff
Katrina Radach	Triangle Associates	Meeting Support
Joye Redfield-Wilder	Ecology	Station Lead
Jill Scheffer	Ecology	Lead Staff