



PPF Newsletter

December, 2008

OUR ANNUAL MEETING: THURSDAY, DECEMBER 4, will start at 6 PM as usual with a potluck supper, followed at 7 PM by a general membership meeting. Come if you can. Dick Goin, as our featured speaker, will give us intimate details of the current state of salmon on this peninsula. This year the meeting will be held at the home of Eloise Kailin, 160 Kane Lane. Directions: From Hwy 101 turn south on River Road, then west on Secor (road sign points to Dungeness Meadows) to Kane Lane, which is a small private road on left just before descending the hill to Dungeness Meadows. We will meet in "the Gym" which is the fifth house on the right from the intersection of Kane Lane and Secor. It is white with green metal roof.

ABOUT MEMBERSHIP—Please take a moment to check your address label, which indicates the year membership dues were last received. For most of you this is 2007 and covers membership to 2008. We would appreciate your continued support for the coming year. All contributions are welcome, even a very small ones, because paid memberships are a measure of how many members we can claim to represent. That helps us to Protect the Peninsula's Future.

PRESIDENT'S REPORT

—Steve Koehler

It's been another unquiet year on the Olympic Peninsula. Early this year Eloise sent a letter commenting on the USFS reconstruction of the Dosewallips Rd. which would impact salmon habitat. She also looked into an issue involving alleged damage to nesting marine bird habitat on Protection Island due to a high deer population.

Harley Oien and Judy Larson worked on Western Washington Growth Management Hearing Board findings for Case No. 07-2-0018c. Findings issued on April 14, 2008 found 20 of 29 Local Areas of More Intensive Rural Development (LAMIRDs) designations adopted by Clallam County Ordinance 827 to be non-compliant/invalid per State Growth Management Act law. Additionally, Blyn's Rural Center zoning was found invalid outside Urban Growth Area (UGA)or LAMIRD rules. Judy Larsen has also been active in following the City of Sequim and Clallam County with regard to the timing of SEPA notice concerning critical areas recharge and related issues. In addition Judy has been attending and reporting on Dungeness River Management Team activities.

Darlene Schanfald is still relentlessly working through Olympic Environmental Council (PPF is an organizational member of OEC) on

issues surrounding clean up of the Rayonier sites in Port Angeles.

PPF is also monitoring issues of solid waste and biosolids, and was prepared to apply for a grant from the Department of Ecology if the Northwest Toxics coalition did not do so.

Fluoridation of the Port Angeles water system is a continued major concern. Eloise is still advocating for sound science with public health on this issue. We've questioned the City of Port Angeles' plan to additionally add alum, a form of aluminum, to city water. This leads to further concerns as aluminum in combination with water fluoridation has been linked to Alzheimer's disease.

PPF has joined activist Josey Paul in fighting Clallam County's moves to facilitate the establishment of a shooting range in wetlands at the headwaters of Susie Creek and Sadie Creek. These waters contain important coho spawning and rearing habitat, and have been the focus of major restoration efforts.

We are also looking into why the Outer Coast Marine Sanctuary's plan, which is required to be reviewed every five years, has not been reviewed for fourteen years.

PPF has a core of committed and tireless advocates for maintaining the sustainability, and ecological viability of our communities. I am grateful for the opportunity to support their

efforts. I thank all of our members for another year's prospects for continued success in protecting a peninsula's future.



Corresponding Secretary's Report —Eloise Kailin

Our Critical Areas Lawsuit was a success:

On July 9th, the State Supreme Court gave a bit of a boost to salmon when they refused to review Clallam County's request to set aside a fish supportive ruling from the Court of Appeals. The controversy centered on a provision in Clallam County's Critical Areas Ordinance which totally exempted certain lands used for existing, on-going agriculture from critical area regulation.

In July the Court of Appeals responded to an appeal brought by PPF by finding that the Growth Management Hearings Board "correctly ruled that pre-existing agricultural uses are not exempt from all critical areas regulation." The Court of Appeals decision, which the Supreme Court declined to further review, reversed a decision by Clallam County Superior Court Judge Wood. PPF was ably represented by attorney Gerald Steel. and Clallam County hired a big Seattle

firm. New permits issued for ongoing agriculture now must be reviewed for compliance with Growth Management Act requirements to protect anadromous (salmon type) fish. Because agriculture is important as well as recovery of salmon, reduced protections for streams bearing anadromous fish in areas used for agriculture can be allowed, but reasonable measures to protect fish must still be applied.

Because of the ruling by Judge Wood, had PPF not appealed, the Growth Management Hearings Board would have had no authority to protect critical areas from new activities associated with on-going agriculture.. With the appeal, and now thanks to the Supreme Court 's refusal to hear further argument, the Growth Board has this authority and is directed to ensure .that counties protect salmon from new harms caused by on-going agriculture. We were awarded court costs by the court which helped offset some of the costs of this action.

Fluoridation: contaminants escape scrutiny

PPF has provided to all local purveyors of fluoridated water, the local Board of Health, the State Board of Health and the State Health Department a transcript taken of sworn testimony on March 10, 2004 from Stanley Hazen, then Executive Director for the Center for Public Health Education, a branch of National Sanitation Foundation International (NSF International). Questions focused on hydrofluorosilicic acid, (HFSA,) which is the chemical used in Port Angeles for fluoridation. Mr. Hazen was testifying as an expert witness in a case involving water fluoridation in Escondido, CA. NSF

International is a private company whose records are out of reach of public disclosure requests. Mr. Hazen testified that hydrofluorosilicic acid (HFSA) was a product listed in the standard that requires testing for contaminants. The standard requires provision of a list of known or suspected impurities within the treatment chemical formulation and the maximum percent or parts by weight of each impurity. It also requires, when available, a "listing of published and under published tox studies relevant to the water treatment". Hazen was asked: "But does it have-prior to approving a manufacturer, does NSF require the manufacturer to provide a list of published and unpublished toxicological studies relevant to fluorosilicic acid and the chemical impurities present in it? " A." I would say that the HFSA submissions have not come with the tox studies referenced."

The Washington State Assistant Secretary of Health, Gregg Grunenfelder, in a letter to me dated October 28, 2008, tells us: "the state relies on national certification protocols to ensure the safety of water additives; they do not have the resources to do independent evaluations of water

additives. ...The product is NSF Standard 60 certified and does meet the requirements of our regulations." He cites no evidence to counter Mr. Hazen's testimony and does not even offer to ask for data from NSF International..."



The motto on e-mail from State Office of Drinking Water is: " Public Health - Always Working for a Safer and Healthier Washington" It would be close to reality if it read: "Just trust your government. Got a protocol? No need to see if it is being followed"

PPF has repeatedly filed Public Disclosure requests with State Department of Health and the City of Port Angeles. We have learned that neither agency has any comprehensive report in its files evaluating what is now the most authoritative comprehensive study available on safety of water fluoridation: the ground breaking National Research Councils' "Fluoride in Drinking Water, A Scientific Review of EPA's Standards" published March, 2006. That Report discloses huge gaps of knowledge needed before declaring water fluoridation to be safe. There is clear evidence that municipal water fluoridated at levels used in Port Angeles is not safe for infants and children nor for diabetics and persons who consume large amounts of water. Since publication of this report there is mounting evidence that water fluoridation impairs intellectual performance.

We also learned that no information is available for any of the numerous organic contaminants present in the industrial grade fluoridation mixture added to Port Angeles drinking water with intent to treat dental decay of Port Angeles residents. No one is tracking organic chemical contaminant content of the commercial product even for those chemicals such as Synspar which are known to be added during the process of extracting the HFSA from crude fertilizer, let alone the innumerable accidental toxic compounds likely also present.

Detailed notice was given last January to local and state Boards of Health, to PUD and to Port Angeles City Council with individual letters to persons responsible for the quality of drinking water produced by Port Angeles that the use of what we believe to be improperly certified fluorosilicic acid must be suspended until an accredited material can be verified or substituted. We hold these persons who are dispensing the water to be "learned intermediaries" much as a pharmacist is when he dispenses other drugs. Fluoride compounds when used to treat or prevent disease fulfill the definition in state law of a drug. We think laws pertinent to issuance of drugs should apply, including purity of the product and disclosure of all contents.

The Notice also pointed out that both decision makers and the general public have been misled by testimonials, organizational "position papers", and advertisements which make unsubstantiated claims that FSA is safe and effective. No government body or promoter of fluoridation can identify a chronic toxicological study on FSA, with or without the attendant contaminants. To date, no manufacturer of FSA under request will state that their specific product is safe and effective at fulfilling fluoridation's legislative intent and when water intake is high for any reason. Fluoride is known to depresses brain, thyroid and immune functions, and increases blood sugar in diabetics.

The supplier of the FSA disavows liability for damages. Washington State Dental Foundation (WSDF) also places liability squarely on the City of Port +Angeles. Fortunately there is an escape clause in the

Agreement written when WSDF donated the fluoridation facility to the City. Neither party to the Agreement is held to be in violation of this contract "if such party is prevented from performing its obligation hereunder for any reason beyond its control", (Section 8.9)

That having been said, the fastest way out of the fluoridation morass would have been for the citizens to be allowed to vote the practice of fluoridation out. But alas that has been delayed.(see below)

Right to vote on local initiatives:

At stake is the ability of citizens to mount and pass local initiatives without the burden of having to find a lawyer and fight in court prior to getting their issue on any topic to the voters. If we do not prevail, the expense and delay applied to local initiatives by local governments who feel threatened will kill this power of the people. Then, only statewide initiatives will have the status of "the first power reserved to the people under the state constitution".

PPF is appealing to the State Supreme Court a decision from the Court of Appeals that citizens may not vote on two locally sponsored initiatives. The case is City of Port Angeles v. Our Water-Our Choice, et al. Supreme Court No. 82225-5. A major concern deals with the power of the court to analyze details of the substantive text of an initiative prior to a vote. Statewide initiatives bar such oversight until after voters have acted, thus protecting freedom of action by citizens to the maximum possible degree. Judicial action first of all is not needed if the measure is rejected, and if passed the court is then informed by knowledge of the will of

the citizens. The law on local initiatives in this respect is not settled and needs to be clarified.

The Court of Appeals agreed with the City that our two proposed initiatives were "administrative" and not "legislative" and finding that these proposed initiatives interfered with the City's authority to "operate a utility."

One proposed initiative said that no one could put medicines including fluoride in any public water system. The second proposed initiative allowed medicines including fluoride in public water systems only if FDA ruled the product safe and effective and if EPA maximum contaminant level goals were not exceeded. These are exceeded for arsenic, as a contaminant of the FSA in the city fluoridation system. FDA has not ruled the product "safe and effective." The City began fluoridation in May of 2006.

We argued that the new initiatives were legislative because they dealt with all medication (not just fluoridation) in all public water systems, not just in the City's municipal water system which is the largest water system serving the city.

Among the other issues we want the Supreme Court to consider are whether cities can set water pollution control standards stricter than state standards. One set of RCW's (state laws) authorizes the State Board of Health to set maximum contaminant levels but states that local standards can be stricter. A statute in the same chapter states that a local board of health in counties with more than 125,000 people can set more strict standards. A statute in a different Title that was relied upon by the initiatives, states that

cities (not just city councils) can set water pollution standards for all public water systems serving the city. We argued unsuccessfully to the Court of Appeals that these two chapters should be harmonized to allow cities to set local public water quality standards more strict than state standards. This is an issue of significant public interest that the Supreme Court should address. Another issue is that City Council authority to "operate a utility" does not include authority to put medicines in the water and this is also an important issue of public interest that the Court should address.

The Court of Appeals decision is on the MRSC.org website under "legal resources" and then under "court decisions" searching for 36935

Much information is also available on the web site of Port Angeles Citizens for Clean Water: See www.YES4cleanwater.org, as well as PPF's own web site.

RAYONIER MILL HAZARDOUS WASTE CLEANUP

—Darlene Schanfald.

The cleanup process has moved right along since Ecology's Toxic Cleanup Program took it over from another Ecology staff, due to the Pt Angeles Harbor being a priority cleanup site under Governor Gregoire's Puget Sound Cleanup. Ecology and contractors took nearly 800 sediment samples in the Harbor and eastward along the shoreline down and into the USFWS Dungeness Refuge ("Spit"). They also took nearly 100 soil samples from east to west between Buchanan (C'Est Si Bon area) and Tumwater, and north and south

between the bluff and Lauridsen Blvd. Sediment samples are being analyzed for a suite of contaminants; the soils are being analyzed for dioxin. All results should be available to the public in Spring 2009. Following, we will know if more sampling is needed, where, if any, soils need to be removed and replenished, and "next steps." Actual commencement of cleanup work on the mill site and in the Harbor is hoped for in 2010.

Complete documents can be found on these Ecology web sites:

Past & Current cleanup activities:
http://www.ecy.wa.gov/programs/tcp/sites/rayonier_hp.htm

Rayonier Off-Property Soil Dioxin study:
http://www.ecy.wa.gov/origrans/tcp/sites/rayonierOffPropr/rayonierOffPr_hp.htm

Puget Sound Harbor Sediment Investigation:
http://www.ecy.wa.gov/programs/tcp/sites/portAngelesHarborSed/paSed_hp.htm

Ecology FACT SHEETS will be available at the PPF Annual Meeting.

The Olympic Environmental Council and Coalition members, including PPF, are proposing a very exciting concept for reuse of the Rayonier Mill Site. We support renovation of the site for a public park. Since the mill area sits on contaminated soil and over contaminated groundwater and fill and pilings, and the dock sits on 7000 creosoted pilings, many of which are crumbling, these need removing. The mill site was built over the Ennis Creek estuary and the fill pushed forward into the Harbor many hundreds of feet into both the high and low tide areas. We proposed all the toxic material be removed, the historical shoreline and estuary, as well as the sinuosity of Ennis Creek, be restored. This would provide much better habitat for the

ESI listed salmon in Ennis Creek and protection and feed for their smolt. The rest of the site can be turned into a beautiful shoreline park and recreation trail with certain activities on site to attract tourism and bring funding into the City of Port Angeles. The City concept is not in accordance with cleaning up Puget Sound, while the OEC Coalition concept fits: cleanup, restore, and protect. Anyone wanting to see OEC's newest FACT SHEET and restored shoreline park concept should email Darlene Schanfeld: darlenes@olympus.net OEC's FACT SHEET will be available at the PPF Annual Meeting.

A BAILOUT TO BAILOUT: WHAT'S GOING ON WITH HARBORWORKS?

You might recall that in October 2007, the City of Port Angeles held a visioning process for reuse of the Rayonier Mill area. This event was publicly funded by the WA State Dept. of Ecology. Without looking at all the citizen input, the City turned in their concept of how the site should be reused - shops, condos, marina, etc., i.e., heavy shoreline development. In May of this year, the City staff and the Port of Port Angeles (POPA) urged the City to approve a "District" to oversee the Port Angeles Harbor redevelopment, including the Rayonier site. This was put before the City Council with little warning and little time for Council Members to read documents and consider. Five Members admitted they had not read the documents or just scanned them. Nevertheless, they approved the request for a Public District Authority and five suggested Board Members, whose names were put before them by the Port and the City staffs, one being a retired attorney whose firm handles Rayonier accounts, and the Port Attorney is someone

that locally represents Rayonier. City Council Member Karen Rogers stated she had been working on this for two years behind closed doors, so she (and only she) was familiar with the information. (Rayonier's involvement?) Additionally, no public input was allowed before the City Council voted. Even Jerry Hendricks, former POPA Director and now HarborWorks Board Member questioned why a new government when the Port and City could have simply signed a Memo of Understanding? Then in September the City Council and the Port each voted \$150,000 as startup money for this new District. Now HarborWorks has said they will act as realtors for Rayonier to sell the mill property but, in the interim, will look at purchasing the toxic property with state and federal loans and hopefully will be able to pay these back once (and if) the property is sold. Maybe they will realize that the liability that comes with a Superfund level contaminated site is too costly. One has to ask why they aren't leaning on the polluter, Rayonier, to clean up the toxins. These are capitalists against more government and socialism now asking for more government and public funding to pick up the cleanup tab!

Hopefully, we can brighten the picture by seeing that Rayonier fulfills its agreements with agencies to cleanup and we get a clean site for a waterfront park. If you would like to work on this concept, contact Darlene at 360-681-7565 or darlenes@olympus.net

TOXIC FERTILIZER and COMPOST

When you purchase fertilizer or compost, beware. Many brands, including *Garden Glory* from the City of Pt Angeles can harbor ingredients of concern, because toxic sludge from wastewater treatment plants and

industrial wastes could be part of the mix. In WA State, only certain contaminants of concern need to be listed if industrial wastes are part of the mix. And wastewater treatment plants only have to check for certain contaminants left in sludge. But viruses, pathogens, prions pharmaceuticals, pesticides, herbicides, fertilizers, persistent organic and inorganic contaminants and endocrine disruptors can be part of the mix. No matter what grade of treatment the sludge undergoes, it is not rid of these. There are progressive alternative treatments on the horizon, but they aren't here, yet. Many articles on the web can be accessed on this subject. Two basic books I recommend are: *Toxic Sludge Is Good For You: Lies, Damn Lies and the Public Relations Industry*: John Stauber, Sheldon Rampton: Books. Chapter 9, and Duff Wilson's *Fateful Harvest: The True Story of a Small Town, a Global Industry, and a Toxic Secret* (HarperCollins, 304 pages, Sept. 4, 2001). Reading these could save your lawn, your vegetable garden, and a life.



SADIE CREEK'S WETLANDS— THE WRONG PLACE FOR A SHOOTING RANGE.

—Bob Lynette

The issue: Clallam County has requested the state Department of Natural Resources to reconvey 320 acres of state trust land back to the County so that a local shooting group, Pacific Northwest Shooting Park Assn., can build and operate a large complex of shooting ranges.

The problem: The proposed site is 20 miles west of Port Angeles. It straddles the upper Sadie Creek headwaters, a rich ecosystem that includes 70 acres of Class I wetlands, a sprawling web of streams vital to wild Coho, and sensitive nesting areas of threatened Marbled Murrelets. There are no known studies that have determined the impacts of shooting ranges near nesting Marbled Murrelets. Local landowners, the Lower Elwha Klallam Tribe, and conservation groups have invested more than \$2 million and thousands of volunteer hours to protect and enhance this river system for salmon. Sadie Creek nurtures such an abundance of wild salmon that that state, local and federal biologists made it a scientific-study river, an honor claimed by only a handful of streams in the state. By radio tracking juvenile salmon, scientists' know that half of the spring salmon smolts migrating out of the East Twin River come from the Sadie Creek headwaters area, even though that area of Sadie Creek is just a small part of the overall watershed. Sadie Creek is a rare, biological hotspot.

Unfortunately, shooting ranges are literally toxic waste sites that quickly become contaminated with lead, arsenic, heavy metals and carcinogens. The cleanup standard for lead contamination at Superfund sites is 500 parts per million (ppm). Shooting ranges become far more contaminated than Superfund levels. Technicians for the state Department of Ecology tested a Sequim shooting range and found lead contamination has reached 77,800 ppm in pond sediment and 46,000 ppm in soil. The investigators also found extremely high levels of chemicals that cause birth defects, genetic damage and cancer.

Similar toxic contamination has been found at shooting ranges across the nation, causing extensive damage to the environment and to human health. In response, the Environmental Protection Agency set up a Best Management Practices manual to the safe siting and management of outdoor shooting ranges. The BMP manual was written with the support and cooperation of all fifty states and major shooting groups, such as the NRA.

The BMP's strongest warning is that shooting ranges must be kept out of areas with wetlands, streams, high rainfall, acidic soils and shallow groundwater. The Sadie Creek site exceeds the highest risk factors in all of those categories. No technology is available to safeguard this site from the toxic waste that the ranges will develop. The EPA warns governments that shooting ranges built in these types of sites will ruin the ecosystem and burden taxpayers with massive, court-ordered cleanup expenses.

The County and the shooters should not spoil this beautiful and ecologically sensitive site.

The County should instead follow BMP guidelines in selecting and operating its complex of shooting ranges in a more appropriate location.

PPF believes that the shooting range near Sadie Creek is environmentally unsound and should be abandoned. If the County continues to pursue the project despite the potential environmental harm that we believe it will cause, they should conduct an unbiased, comprehensive EIS. PPF has authorized its attorney to become involved with this.

