



*Friends of Toppenish Creek*

November 7, 2017

Dear Chairman Walden, Ranking Member Pallone, Chairman Shimkus and Ranking Member Tonko,

From 2009 to 2013 Dan Newhouse served as Director of the Washington State Department of Agriculture (WSDA). During his tenure the dairy industry flourished in south central Washington, especially in the Lower Yakima Valley where the congressman farms. During that time the Environmental Protection Agency began an investigation into serious pollution of the aquifer in this area, pollution directly related to a cluster of dairy farms that operated in clear violation of their mandated nutrient management plans.

Over sixty percent of domestic wells down gradient from this cluster of farms had nitrate pollution above the safe drinking water limit of 10 mg/L. One well had nitrates as high as 234 mg/L. These dairies had approved nutrient management plans and were inspected by Dan Newhouse's staff. One operation, a former dairy showcase with the largest manure digester in the state, applied as much as seven times the recommended amounts of manure on some fields. WSDA turned a blind eye. The Director of the WSDA Dairy Nutrient Management Program explained it this way: the dairies are required to have nutrient management plans but they are not required to follow them. And they did not.

Citizens have complained for years about polluted wells and foul air. Over 35% of all Washington milk cows, > 100,000, are maintained in a 271 square mile area in Yakima County. At the congressman's most recent town hall meeting in the impacted area dairies were at the top of citizen concerns. He continues to ignore our concerns. Agribusiness and dairy are the largest contributors to his war chest and he delivers, no matter the cost to the people who live in his own community.

We are not wealthy people. When we asked one of the Washington State Attorneys General what average citizens can do when a neighbor's careless farming practices pollute our wells, Attorney Phyllis Barney answered in a few words: "They can sue." Litigation is our only realistic recourse. Litigation is expensive and not something we do lightly. But federal, state and local governments have failed to address the pollution that results when concentrated animal feeding operation (CAFO) dairies believe they are above the law.

U.S. District Court Judge Thomas O. Rice was correct when he found that “Defendants’ application, storage, and management of manure at Cow Palace Dairy violated RCRA’s substantial and imminent endangerment and open dumping provisions.”

We may be poor but we are not stupid. We know that Yakima County dairies are making us sick and we know that government leaders, such as Dan Newhouse, have crafted and continue to craft legislation that attempts to shield this industry from any accountability for their actions.

Please reject HR 848.

Sincerely,

*Jean Mendoza*

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