Peter Fretwell

FORMAL PUBLIC COMMENT

Washington Department of Ecology
Chapter 173-448 WAC
Preliminary Draft Rule Language (November 2025)

I. SUMMARY OF COMMENT

This comment requests that Ecology deploy lead air quality monitors in the East Yakima and Lower Yakima Valley overburdened communities (OBCs) to fulfill its mandate under RCW 70A.65.020(1)(b) [the "statute"].

This statute clearly states: "...the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and pursue significant reductions of emissions and pollutants in those communities." (RCW 70A.65.005(7))

As drafted, WAC 173-448 [the "rule"] implements the "greatest contributors" analysis using exclusively point-source tools. When a community's highest concentration of a criteria pollutant is diffuse area-source contamination spanning 60,000 acres, a point-source-only framework creates a regulatory blind spot that undermines the statute's intent to identify all significant pollution sources.

II. THE YAKIMA DATA CONVERGENCE

Ecology has identified approximately 60,000 acres in Yakima County with legacy lead-arsenate soil concentrations near 700 ppm—far exceeding the MTCA cleanup standard of 250 ppm and the EPA's 2024 residential guidance of 200 ppm.

Ecology's Community Summary Report for Lower Yakima Valley (Publication 23-02-017, March 2023, pp. 24-25) identifies "windblown dust from construction, agriculture, or open lands" and"'agricultural tilling" as sources of particulate matter in these OBCs.

-Documented Harm: CDC and WHO confirm there is no safe blood lead level in children. Even low-level exposure causes irreversible brain damage, reduces IQ, and causes learning disabilities and behavioral problems. Children under age 6—who comprise over one-third of the Lower Yakima Valley population—face heightened vulnerability due to developing nervous systems and higher absorption rates.

-Mobility: A peer-reviewed study found 21% of tested Yakima area childcare centers exceeded soil lead standards.

-Vulnerability: Over 30% of Yakima housing predates 1950 (90th percentile statewide for lead risk). The risk is not solely lead in the house materials. It includes air pollution leakage into these older homes.

These health disparities affect populations Ecology has already specifically identified in its Community Summary Reports as vulnerable: agricultural workers with occupational soil contact, linguistically isolated households (64% of Lower Yakima Valley households speak limited English), and children under 18, who comprise over one-third of the Lower Yakima Valley population—the largest share among the 16 identified overburdened communities.

Ecology's identification of these communities as overburdened was based in part on these exact vulnerability factors—yet the Department has deployed no lead monitoring to assess whether ambient air pathways compound these documented risks.

III. STATUTORY MANDATE AND MONITORING GAPS

The statute requires Ecology to "deploy an air monitoring network in overburdened communities" to gather data on "criteria air pollutants." Lead is a criteria pollutant. While the rule focuses on permitted sources, the statute directs Ecology to identify "greatest contributors" without limitation to point sources.

Ecology's Technical Support Document (Publication 23-02-019, February 2023, pp. 11–13), together with the associated Policy Statement (Publication 23-02-016, March 2023, p. 12), commits to reevaluating identified communities regularly every six years using updated environmental and air-monitoring data, and explains that additional indicators and information will be used to shape future work in those communities.

Without local lead monitoring, Ecology cannot fulfill this commitment or determine if diffuse soil-bound lead— resuspended via wind or construction — constitutes a "greatest contributor" under the rule.

National compliance (NAAQS) does not negate this need; Ecology already uses identification thresholds for PM2.5 that are lower than federal standards to protect vulnerable OBCs.

IV. COORDINATED MITIGATION

Monitoring data enables the "emission reduction strategies" required by the rule, which may include "other relevant programs." If monitoring confirms diffuse lead as a greatest contributor, Ecology can coordinate existing authorities:

-MTCA Coordination: Prioritize cleanups in identified OBCs.

-Dust Control: Enhance enforcement of RCW 70A.15.2200 for construction in contaminated zones.

-Public Health: Issue targeted advisories based on localized ambient data.

V. REQUESTED ACTIONS

To ensure the rule effectively reduces environmental health disparities, I request that Ecology:

-Deploy Lead Monitors: Site at least one lead monitor in East Yakima and one in Lower Yakima Valley within 24 months of rule finalization, potentially co-located with existing PM2.5 monitoring

sites to minimize infrastructure costs.

-Clarify Rule Scope: Amend the rule to clarify that "greatest contributors" includes diffuse area sources identified through ambient monitoring.

-Integrate MTCA: Explicitly include coordination with soil remediation programs as an "emission reduction strategy."

-Dashboard Transparency: Establish a neighborhood-scale dashboard for real-time monitoring results to empower community health decisions.

VI. CONCLUSION

The enabling statute offers a generational opportunity to address legacy lead risks.

By exercising its authority to monitor all criteria pollutants, Ecology can bridge the existing gap between point-source regulation and the political, economic, and environmental realities of the Yakima Valley.

Respectfully submitted,

/s/ Peter Fretwell

FORMAL PUBLIC COMMENT

Washington Department of Ecology
Chapter 173-448 WAC
Preliminary Draft Rule Language (November 2025)

I. SUMMARY OF COMMENT

This comment requests that Ecology deploy lead air quality monitors in the East Yakima and Lower Yakima Valley overburdened communities (OBCs) to fulfill its mandate under RCW 70A.65.020(1)(b) [the "statute"].

This statute clearly states: "...the legislature intends to identify overburdened communities where the highest concentrations of criteria pollutants occur, determine the sources of those emissions and pollutants, and pursue significant reductions of emissions and pollutants in those communities." (RCW 70A.65.005(7))

As drafted, WAC 173-448 [the "rule"] implements the "greatest contributors" analysis using exclusively point-source tools. When a community's highest concentration of a criteria pollutant is diffuse area-source contamination spanning 60,000 acres, a point-source-only framework creates a regulatory blind spot that undermines the statute's intent to identify all significant pollution sources.

II. THE YAKIMA DATA CONVERGENCE

Ecology has identified approximately 60,000 acres in Yakima County with legacy lead-arsenate soil concentrations near 700 ppm—far exceeding the MTCA cleanup standard of 250 ppm and the EPA's 2024 residential guidance of 200 ppm.

Ecology's Community Summary Report for Lower Yakima Valley (Publication 23-02-017, March 2023, pp. 24-25) identifies "windblown dust from construction, agriculture, or open lands" and"agricultural tilling" as sources of particulate matter in these OBCs.

- **Documented Harm:** CDC and WHO confirm there is no safe blood lead level in children. Even low-level exposure causes irreversible brain damage, reduces IQ, and causes learning disabilities and behavioral problems. Children under age 6—who comprise over one-third of the Lower Yakima Valley population—face heightened vulnerability due to developing nervous systems and higher absorption rates.
- **Mobility:** A peer-reviewed study found 21% of tested Yakima area childcare centers exceeded soil lead standards.

- **Vulnerability:** Over 30% of Yakima housing predates 1950 (90th percentile statewide for lead risk). The risk is not solely lead in the house materials. It includes air pollution leakage into these older homes.

These health disparities affect populations Ecology has already specifically identified in its Community Summary Reports as vulnerable: agricultural workers with occupational soil contact, linguistically isolated households (64% of Lower Yakima Valley households speak limited English), and children under 18, who comprise over one-third of the Lower Yakima Valley population—the largest share among the 16 identified overburdened communities.

Ecology's identification of these communities as overburdened was based in part on these exact vulnerability factors—yet the Department has deployed no lead monitoring to assess whether ambient air pathways compound these documented risks.

III. STATUTORY MANDATE AND MONITORING GAPS

The statute requires Ecology to "deploy an air monitoring network in overburdened communities" to gather data on "criteria air pollutants." Lead is a criteria pollutant. While the rule focuses on permitted sources, the statute directs Ecology to identify "greatest contributors" without limitation to point sources.

Ecology's Technical Support Document (Publication 23-02-019, February 2023, pp. 11–13), together with the associated Policy Statement (Publication 23-02-016, March 2023, p. 12), commits to reevaluating identified communities regularly every six years using updated environmental and air-monitoring data, and explains that additional indicators and information will be used to shape future work in those communities.

Without local lead monitoring, Ecology cannot fulfill this commitment or determine if diffuse soil-bound lead—resuspended via wind or construction—constitutes a "greatest contributor" under the rule.

National compliance (NAAQS) does not negate this need; Ecology already uses identification thresholds for PM2.5 that are lower than federal standards to protect vulnerable OBCs.

IV. COORDINATED MITIGATION

Monitoring data enables the "emission reduction strategies" required by the rule, which may include "other relevant programs." If monitoring confirms diffuse lead as a greatest contributor, Ecology can coordinate existing authorities:

- **MTCA Coordination:** Prioritize cleanups in identified OBCs.
- **Dust Control:** Enhance enforcement of RCW 70A.15.2200 for construction in contaminated zones.
- **Public Health:** Issue targeted advisories based on localized ambient data.

V. REQUESTED ACTIONS

To ensure the rule effectively reduces environmental health disparities, I request that Ecology:

- **Deploy Lead Monitors:** Site at least one lead monitor in East Yakima and one in Lower Yakima Valley within 24 months of rule finalization, potentially co-located with existing PM2.5 monitoring sites to minimize infrastructure costs.
- **Clarify Rule Scope:** Amend the rule to clarify that "greatest contributors" includes diffuse area sources identified through ambient monitoring.
- **Integrate MTCA:** Explicitly include coordination with soil remediation programs as an "emission reduction strategy."
- **Dashboard Transparency:** Establish a neighborhood-scale dashboard for real-time monitoring results to empower community health decisions.

VI. CONCLUSION

The enabling statute offers a generational opportunity to address legacy lead risks.

By exercising its authority to monitor all criteria pollutants, Ecology can bridge the existing gap between point-source regulation and the political, economic, and environmental realities of the Yakima Valley.

Respectfully submitted,

/s/ Peter Fretwell