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Administrator Christopher Hladick
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

April 25, 2019

Dear Administrator Hladick:

Farmers throughout the Pacific Northwest were very encouraged by your interest in them and their future. You visited large dairies in Eastern Washington and Larry Stap's dairy in Lynden. You granted us a hearing on November 1 where we explained why we believe the EPA nitrate study was falsified and why it completely failed EPA policies for peer review. Subsequently, we have had additional meetings with you on this critically important issue and provided you more details on this topic, including the evidence that your staff further violated EPA policy by attempting to cover up their failure to conduct a proper peer review.

We want to review the key facts of which we believe you are now fully aware:

- This report is false not merely through incompetence but through intention. The 17 or more experts demonstrated its falseness, and the detailed review by former NRCS senior agronomist Rick Fasching made clear the false nature went well beyond incompetence.
- Senior Region 10 staff was not honest with you about the peer review, about reasons why the USDA reviewer asked his name be removed, about the categorization and about their awareness of the categorization. Given that no peer reviewer received the complete study and report and that some of the most important conclusions and study sections were missing, it cannot be said that any peer review was completed.
- EPA staff misrepresented to us that the study was categorized "other" and when we showed that it was categorized as "influential" both with the initial peer review documents and in the 2013 Response to the numerous criticisms, Mr. Kowalski stated he had never seen those documents. Changing categorization clearly violates EPA policy and in this instance is an obvious effort to cover up for the lack of peer review and the

false statement made by Mr. Winiecki on November 1 that the peer review was thorough and complete.

- Given the severe criticism of the report and the failure to follow EPA policy on peer review combined with the obvious attempt to cover this up, we remain convinced that if the study had been peer reviewed, the punishing enforcement action endured by the farmers and the very high cost of continued litigation based on the report would have been prevented.

We made three reasonable requests of you delivered by letter on April 2:

- 1) That you invite the Agricultural Research Service of the USDA to review the study, report and peer review.
- 2) That you remove the report from serving as the basis of further enforcement and litigation pending the ARS review.
- 3) That you provide us with the documentation of who categorized the report as “Other” and when that action was taken.

Our encouragement with your interest and willingness to listen has been dampened by your lack of response to these requests.

Given the obvious animosity of the previous Administrator and longtime staff to farmers through the conduct of this study, the punitive enforcement resulting from this study, the refusal to keep a promise to support farmers against citizen lawsuits, and the endorsement of illegal use of taxpayer money in support of the What’s Upstream campaign, we hoped a change in administration would provide a basis for correcting some of these wrongs. We still hope for that but now believe it will take the action of senior EPA officials in DC with the encouragement of our elected representatives to see justice for farmers done. We further believe an investigation into the conduct of the staff by federal officials is warranted. This is what we will now request.

It is our understanding that you have reflected Mr. Kowalski’s concern that requesting the peer review may result in more difficulties for farmers. This is, in our view, absurd. Assume the ARS review validates the study, would this cost farmers many millions more in damages? That is not possible because farmers under EPA enforcement today cannot survive. We want good information to guide environmental improvements and therefore we fully support a thorough review because the current study fails in that. The strong resistance to the review by your staff simply shows that they have no confidence in the integrity of the study. This is why they prevented the required review from happening in the first place.

Please do not underestimate our resolve in this matter. As we pointed out to you, this false study and attempt to cover up the failure to have it peer reviewed represents the primary threat to our dairy farmers across the region. We will do what we need to do to get the attention of those who can do the right thing through aggressive media and public outreach if needed.

There is no question in our mind that the deeply embedded senior officials on your staff will not move from their commitment to this study and the injustice it represents. You have an opportunity to do the right thing even against their continued dishonesty and deviousness. We urge you to take that opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baron', followed by a long horizontal line extending to the right.

Gerald Baron
Executive Director