Crude oil rules spill over to vegetable oil

Rule hard for farm lobbyists to digest

By DON JENKINS
Capital Press

OLYMPIA — A new state law rooted in the crude oil boom and fears of fiery train derailments will create more regulations for hauling vegetable oils and animal grease, unless legislators intervene and amend a bill they passed last year.

Legislators approved the multi-part oil-transportation bill following a study by the Washington Department of Ecology on the environmental and public dangers posed by an influx of crude oil coming from the Bakken fields.

Some provisions in the bill specifically addressed crude oil, but a section on planning for spills simply referred to "oils."

As a result, rail companies that transport crude oil and non-petroleum oils, such as canola and sunflower oils, must have crews and equipment on standby to clean up spills, according to regulations proposed by the Washington Department of Ecology.

DOE's preparedness section manager, Linda Pilkey-Jarvis, said including vegetable oils makes sense and is what lawmakers intended.

She noted that a warehouse fire last summer in Lewis County released vegetable oil into a creek and killed thousands of fish.

"It sounds like a benign thing, but it can cause damage," she said.

The 75-page rule is being circulated for public comment and is expected to take effect in November.

Capital Press photo

The Washington Department of Ecology has proposed non-petroleum oils, such as vegetable oil, be included in new transportation rules motivated by an influx of rail tankers hauling crude oil through the state.

DOE has not yet estimated how much the regulations would cost rail operators, which would have to train to respond to spills and submit a response plan to the state. DOE has proposed that rule violations be punished by a $100,000 fine.

Legislators have introduced bills in the House and Senate to exclude vegetable and animal oils from the final rule.

One of the bill's sponsors, Rep. Matt Manweller, R-Ellensburg, ridiculed extending the law to vegetable oils last week in a talk to port officials.

"I haven't in my life encountered a huge canola oil explosion, maybe in a popcorn facility," he said. "I don't think the agricultural community weighed in, thinking there wasn't a realistic chance (vegetable oil) was going to be regulated the same way as crude oil."

The oil-safety bill last year went through many revisions and was passed late in the session. At one point, the legislation would have added new safety rules for transporting fertilizer, a provision that farm groups lobbied against and was removed.

"I think we thought that transporting vegetable oil wouldn't be affected," Washington Farm Bureau lobbyist Scott Dilley said. "It's not a hazardous substance. It's something people eat."

Patrick Boss, a lobbyist for short-line railroads that transport agricultural goods, said he doesn't blame DOE for including vegetable oils in the spill-planning rule, but that the regulations are unneeded.

"I would say there is a big difference between a vegetable oil spill and an oil spill," Boss said. "There's no doubt a vegetable oil spill could cause problems, but having it under a petroleum oil bill makes no sense."

Wildfire bill calls for quick response by DNR

Record-breaking fire season still burns

By DON JENKINS
Capital Press

OLYMPIA — Washington's million-acre wildfire season has lawmakers again looking at the Department of Natural Resources' ability to help local fire districts stop small blazes from becoming large ones.

Public Lands Commissioner Peter Goldmark has asked lawmakers for another $24 million for training, equipment and fire prevention as soon as possible.

Some legislators, however, have asked pointed questions about how well the state is deploying what's available now.

The 1,005,423 acres that burned last summer far surpassed the record-setting 372,137 acres that burned in 2014. Fighting the fires cost the state $164 million. The cost increases to $343 million by adding the money spent by the federal government and tribes.

Goldmark told legislators recently that the fires exhausted DNR's capabilities. Some 47 states and Australia and New Zealand sent firefighters and equipment to help, he said.

"I don't want to continue to call people from afar. I want enough in-state, on-call resources to be able to fulfill the state's need," he said. "By the time you get people from distant nations, the fires are big, and we don't want big fires."

Lawmakers grilled Goldmark on DNR's use of volunteers, crop dusters and bulldozers. Rep. Joel Kretz, R-Wauconda, sought assurance that DNR would use local residents to attack fires. He said some people with equipment have become discouraged because they haven't been called upon to fight fires in their community.

"It's a huge tool in the rural part of the state, and I'm worried we're losing them. I hope that's a focus going forward, to make those people a big part of the effort," Kretz said.

Goldmark said DNR would accept the help.

"I agree with you. We need everybody he can," he said. "I'm totally in favor of using local resources."

After 2014's severe fire season, lawmakers passed legislation to improve coordination between DNR and local fire districts. The bill took effect too late for the 2015 fire season.

Don Jenkins/Capital Press

Washington Public Lands Commissioner Peter Goldmark, right, walks with Gov. Jay Inslee during a wildfire fitness test June 10, 2015, in Olympia. Goldmark has asked for $24 million to prepare for the upcoming fire season, but has faced questions from lawmakers about how well the Department of Natural Resources uses volunteers and works with local fire districts.

A new proposal, House Bill 2596, would require DNR to answer requests for help from local fire agencies within 30 minutes. If DNR couldn't send firefighters, local fire districts would be able to muster whatever resources they could at state expense.

The bill's prime sponsor, Rep. Mary Dye, R-Pomeroy, said fire districts would be able to get what they need to keep wildfires from getting out of control.

The Washington Farm Bureau backed the bill Tuesday at a hearing held by the House Agriculture and Natural Resources Committee.

"Too many stories have been heard about how a delayed response led to a catastrophic fire that led to loss to lives, homes, pastures, orchards and sage grouse habitat," the bureau's government relations director, Tom Davis, said. "We need to do something to increase our rapid response capabilities."

DNR neither endorsed nor outright opposed the bill. Seamus Petrie, a lobbyist for the Washington Public Employees Association, the union that represents DNR firefighters, said the bill didn't provide enough oversight over how state money is spent.

Kretz said criticized the union's opposition.

"We're all for getting on these things (fires) quick. Getting them out. Keep them small. And I really think there's a lot of promise in this," he said.

After the meeting, committee chairman Brian Blake, D-Aberdeen, said lawmakers may need to both increase funding and make policy changes.

"I think that after the two years we've had everyone realizes we have to step back and work together rather than point fingers at each other," he said.

Landowner scares off wolves that had surrounded dog

By MATTHEW WEAVER
Capital Press

A homeowner in northeastern Washington state used a rifle to scare off five wolves that had surrounded his dog, the state Department of Fish and Wildlife reported.

Members of the Dirty Shirt wolf pack confronted a female Great Pyrenees at a home northeast of Chewlah, Wash., in Stevens County on Jan. 25.

The resident, who was not identified by the department, reported to the Stevens County Sheriff's Office that at least five wolves surrounded his female Great Pyrenees in a field outside his home on Burnt Valley Road shortly after dark, according to wolf policy lead Donny Martorello.

The resident and his wife became alarmed when the wolves approached the dog, according to the update. The wolves surrounded the Great Pyrenees and "there was posturing and jumping," Martorello stated.

The owner's other dog, a German Shepherd-mix, was nearby and also approached the group, according to the update.

The man got his rifle and fired two or three shots over the heads of the wolves and dogs. At that point, the wolves moved away from the house and the dogs went inside.

Martorello said a drop of blood was found at the site, but the dogs were not injured.

"We take it as a very serious incident," Martorello told the Capital Press. "It's one where wolves were very clearly on their private property. It could have turned out much worse if the owners of the dogs weren't on site and able to haze that wolf away."

The incident occurred in the portion of the state where wolves are not listed as endangered under the federal Endangered Species Act. Given the imminent threat to the dogs, the dog owners had the right to shoot one of the wolves but did not, Martorello said.

The department confirmed four attacks between July 5 and 10 in which wolves from the Dirty Shirt pack killed livestock. The use of nonlethal tactics seemed to stop additional attacks on livestock, Martorello said.

The situation with the dogs "may be a bit different," he said. Wolves and dogs view one another as "the same critter" and "territorial disputes" occur.

"Typically, when dogs and wolves come together in that kind of encounter, dogs are usually not able to defend themselves," he said. "Wolves can easily injure or kill dogs. In this case, the owners did everything right and were able to keep that from occurring."

Martorello advises rural residents to be aware that wolves are keying in on sheep and cattle, which are present in smaller numbers during the winter.

"Pay attention to tracks in the snow, any of those kinds of signs that tell you the wolves might be in that immediate vicinity," he said. "If you have an encounter, please call us immediately."

Martorello said the department will continue to monitor the pack's movements closely to determine if they are near pets or livestock. If so, the department will tell landowners.

"(We'll) be as proactive as we can to avoid any further interactions," he said.

EEOC, Evans Fruit settle sex harassment cases

By DAN WHEAT
Capital Press

YAKIMA, Wash. — One of the nation's largest apple producers, Evans Fruit Co. of Cowiche, has agreed to pay $272,000 to 20 claimants to resolve sexual harassment and retaliation claims that were pending before the 9th U.S. Circuit Court of Appeals.

The Equal Opportunity Employment Commission, which filed the original civil lawsuit in June 2010, issued a news release claiming victory, but the fruit company's attorney called the settlement a "colossal failure" for the EEOC and Northwest Justice Project.

The original lawsuit alleged numerous women farmworkers were sexually harassed in company orchards over several years. The EEOC won a temporary restraining order and preliminary injunction against Evans Fruit and orchard manager Juan Marin for allegedly threatening and intimidating individuals who assisted in EEOC's investigation.

In September 2011, EEOC filed a second lawsuit alleging retaliation against workers. The Northwest Justice Project represented retaliation claimants who joined in the suit.

In April 2013, a U.S. District Court jury found the EEOC failed to prove the allegations of sexual harassment in the first suit and a federal judge subsequently dismissed the second suit.

The EEOC then appealed them to the 9th Circuit.

Evans Fruit was confident it would have prevailed against the appeals but the settlement "was just too good a deal to pass up," said Brendan V. Monahan, the Yakima attorney for Evans Fruit.

EEOC dropped its appeals and other issues it had with Evans Fruit for the $272,000 for 20 claimants. It is far less than Evans Fruit would have spent had litigation continued, Monahan said.