

Memorandum

To: Salton Sea Authority Board of Directors
From: G. Patrick O'Dowd, Executive Director /GM
Date: November 16, 2023

Re: Health Assurance Plan

Over the past several months, the Authority has delved deeply into the changes taking place at the Sea and how they are affecting human health. Presentations from Dr. Lo, Comite Civico del Valle, and most recently a conversation with Dr. Brian McNeece, all highlight current and looming risks associated with the “known unknowns” which are and will continue to impact every man, woman and child in the region. Indeed, changes have been taking place at the Sea ever since most recent filling and initial designation as an agricultural sump, but those changes are occurring at an accelerated rate due a variety of both natural and man-made causes. For at least a generation and likely longer there is a lingering fear in the region that those changes are also contributing to adverse health impacts to the residents of the region. And while direct correlation to the Sea from elevated incidents of nosebleeds and childhood asthma have not been established, anecdotal evidence suggests a linkage. But the truth is, we just don't know. This year we celebrated the 20th anniversary of the Quantification Settlement Agreement's signing. As part and parcel of that agreement, the State of California agreed to restore the Sea and assume mitigation responsibility in excess of certain liabilities established within that agreement being addressed by the “QSA-JPA”. And while there exist numerous efforts to evaluate this risk at the margins, there remains no independent resource that the community can rely upon to know with certainty that the changes now taking place at the Sea are not adversely affecting their health. After 20 years that should be viewed by all as unacceptable.

To be clear, there already exists extensive monitoring throughout the region. Work is being done by Imperial County Air Pollution Control District, South Coast Air Quality Management District, the California Air Resources Board, as well as work being performed under contract with the Imperial Irrigation District as part the QSA-JPA responsibilities, the Torres Martinez Desert Cahuilla Indians, and Comite Civico del Valle, and likely others not mentioned. All contribute to a data gathering effort which should be useful in informing mitigation strategies to ensure public health. But to our knowledge that information is not used on a *consolidated* basis to specifically address sea-related health impacts. Rather, the data gathering is more regional in nature, and also includes potential contributors to health risks not directly related to the Sea. It will

always be difficult to identify discreet health risks throughout the region resulting from other localized sources, including off road activity, trans-border influences, and ag and industrial contributors. But as it relates to the Sea proper and the changes occurring within the historic shoreline, those risks are knowable, and after 20 years of effort should already be known. And to the extent that those factors are negatively impacting human health, they should likewise *already* be mitigated. Most residents if asked would likely say they just don't know and have little confidence that in fact those risks are fully known and are being responsibly mitigated.

Authority staff has for some months been researching and exploring possible strategies to address this glaring deficiency in public trust. In November of 2022, the State published the "Salton Sea Monitoring Implementation Plan", which contains five goals:

- (1) Identify and prioritize monitoring activities that will measure current and future conditions within the Salton Sea ecosystem (including created impoundments, emerging wetlands on the playa, and managed habitats).
- (2) Establish milestones against which the data gathered during long-term monitoring can be compared.
- (3) Establish methods for measuring and reporting these metrics.
- (4) Identify and prioritize filling of existing data gaps.
- (5) Describe a framework to store, manage, and make monitoring data publicly available in a timely manner.

The MIP provides that in conjunction therewith, an annual study plan will be developed that tiers off the MIP, which defines the following year's monitoring activities, coordinate efforts among implementing partners, and refine sampling methods and/or locations as appropriate.

Although no such plan was developed for 2023, we were recently notified that the State has initiated development of the 2024 monitoring work plan. However, it is critically important to note that this plan is simply a *monitoring* plan, not a plan of or strategy for mitigation. That work is being done variously by the QSA-JPA pursuant to their responsibilities, and by the State in accordance with its obligations under the Water Board order or otherwise. And while significant strides continue to be made on both fronts, mitigation is not being comprehensively achieved. And even if the mandated mitigation measures were being fully and timely implemented, it is still not known to any degree of certainty how and whether the changes taking place at the Sea would still be affecting human health. Dr. Lo highlighted that concern in his presentation to the Authority on microbial toxins, and legislation was authored last session by Assemblymember Garcia (AB 827) to facilitate a better understanding of that concern.

We believe that Dr. Lo's work and pursuit represents but one part of a larger lack of knowledge and understanding to which every community member is justly due. After 20 years of implementing the QSA (and now approaching 100 years of the Sea being

formally designated a sump) the lack of certainty whether the changes now taking place at the Sea are harmful to human health is simply unacceptable.

To address this urgent deficiency, the Authority has elevated discussions with our elected representatives around possible legislation which would create such assurance framework. To accomplish that it will be necessary, through the MIP or otherwise, analyze the data specifically from the perspective of human health, and identify data gaps which limit our ability to provide such assurance. In an earlier memo we discussed the Owens Lake model of assurance, where air quality within the “regulatory shoreline” is monitored every day through 127 monitoring stations, and satellite imagery is updated every 5 days to ensure coverage of exposed playa (and the failure on the part of LADWP to do so could result in significant financial penalties). When our community can be provided that level of assurance, they will know that they are safe. They have a right to know that, and we should be about the business of providing it.

Staff Recommendation: Board direction requested.