



DAKOTA RESOURCE COUNCIL

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January 2, 2015

Robin Wilcox
Chief Program Officer
Public Health Accreditation Board
1600 Duke Street, Suite 200
Alexandria VA 22314

Dear Ms. Wilcox:

Recently, the North Dakota Department of Health announced it would seek accreditation by the Public Health Accreditation Board. We are writing to you on behalf of two North Dakota citizen organizations to express in the strongest terms that this accreditation, if granted, would be a serious mistake.

The mandate of a health department is to protect the health and welfare of people who live in its jurisdiction. Specifically, the North Dakota Department of Health has failed miserably to do so by showing an inability or unwillingness to challenge the oil industry on the health and safety impacts of oil extraction. During the last seven years, unrestrained oil extraction and associated development was allowed to turn pristine agricultural areas of northwestern North Dakota into an industrial zone. Because of a complete failure to enforce rules and regulations, that large part of the state has turned into a national sacrifice zone and will likely be named a Superfund Site within ten years.

We want to be very clear that our motivation to contact you is focused on the department's weak performance dealing with the impacts of oil extraction. This should not reflect on the fine work the department does in other areas such as disease prevention and control, smoking cessation, or water quality. Our State Health Department has very good employees who are working hard to do their jobs as well as they can under the circumstances. It is a management problem concerning oil-related issues that has put the health and safety of North Dakotans at risk.

In July 2013, the Dakota Resource Council and the North Dakota Energy Industry Waste Coalition held a public meeting with department officials because we were concerned about how health and safety issues of oil impacts were being ignored. Administration officials had been meeting with oil industry representatives out of public view to assist the oil industry's desire to weaken hazardous waste standards, particularly regarding allowable levels of radioactivity.

Unfortunately, since the public meeting our concerns have increased. Below is a list of a few of the major concerns. We can provide details on these and other issues at a later date.

- Failure to track up to 75 tons of radioactive waste generated daily, leaving illegally dumped radioactive filter socks to be found in abandoned buildings, vehicles, back allies of small towns, roadside ditches and agricultural land. The department was not even able

- to tell us what happened to radioactive waste turned away from local landfills. They have done very little to find out how much oil waste is produced, estimating it might be somewhere in the wide range of 10 to 70 tons per day. New rules proposed last month to require reporting could have been proposed several years ago.
- Lax enforcement of rules and regulations so not to cause extra costs to the oil industry. Meanwhile, the extra costs to farmers, ranchers, other businesses and local communities continue to increase. The head of the Environmental Health Section has publicly stated the administration's reluctance to be regulators.
- Policy to reduce fines to virtually nothing on violations of rules and regulations.
- Approving increases in the capacity of hazardous waste facilities that have a history of health and safety violations. The concerns of near-by residents are not as important as additional costs to the oil industry.
- Selective use of an Argonne National Laboratories report as the basis to propose increasing the allowable radioactive limit ten-fold from 5 picocuries per gram to 50.

We have included links to a recent two-part series in *The New York Times* which details the corruption and lack of enforcement in North Dakota. We have also attached a local newspaper editorial calling the lack of fine collection a travesty.

These activities make a mockery of the long-term health consequences of people who live and work here and it's being done at the direct request of oil companies and the elected officials they contribute to. It is obvious that oil companies have the money and money is buying influence. There is no way the North Dakota Department of Health can qualify for accreditation while allowing massive pollution from oil development across the western part of the state.

We understand that the accreditation measures a health department's performance against a set of standards. To judge the North Dakota Department of Health's performance, it is reasonable to make sure you have information from sources in addition to what the department will provide to you. If you decide to go forward with the request for accreditation, we would appreciate involvement in the process through submission of written testimony and participation in public meetings. A designation for the North Dakota Department of Health's mismanagement of oil-related impacts would make a mockery of the designation provided other departments across the country who care for the people they represent.

The Dakota Resource Council was founded in 1978 and is a North Dakota community-based group bringing together farmers, ranchers, small business owners, workers and other North Dakotans to address multiple issues that affect their lives and livelihoods. Many DRC members are land and/or mineral owners in the Bakken Oil Fields. The North Dakota Energy Industry Waste Coalition formed in 2013 to bring a variety of in-state groups and people together to address the health and safety impacts of hazardous oil waste.

We look forward to discussing this with you in the near future.

Sincerely,
 Don Morrison, Director
 Dakota Resource Council

Darrell Dorgan, Spokesperson
 ND Energy Industry Waste Coalition

Links

“The Downside of the Boom,” *The New York Times*, by Deborah Sontag and Robert Gebeloff, November 23, 2014. <http://www.nytimes.com/interactive/2014/11/23/us/north-dakota-oil-boom-downside.html?emc=eta1&r=2>

“Where Oil and Politics Mix,” *The New York Times*, by Deborah Sontag, November 24, 2014. <http://www.nytimes.com/interactive/2014/11/24/us/north-dakota-oil-boom-politics.html>

Attachments

“Williston Herald Opinion: Regulators Need to Stand up to Oil,” Williston Herald, November 29, 2014. <http://drcinfo.org/2014/12/02/williston-herald-opinion-regulators-need-to-stand-up-to-oil/>

“Health Department proposes New Rules for Oil-Field Radioactive Waste,” Minot Daily News, by Jill Schramm, December 13, 2014. [Link to article.](#)