

Boiling Frogs, Intel vs the Village (Corrales, New Mexico) – A Great Help in Oregon

I am Dale Feik, a concerned father, grandfather, and citizen who has family surrounded by four Intel Manufacturing plants in Oregon. In the fall of 2013, I read Boiling Frogs, Intel vs the Village, and have never been the same since. This is a book everyone, especially all elected officials, should be required to read.

For many years I have been concerned about climate change, and several years ago I decided to devote my time and energy to convincing people in Washington County, Oregon, that community well-being is as important as industry and jobs.

In early 2013 my daughter and her husband bought their home in Hillsboro, Oregon. Then in September of last year they had their first child. Intel manufacturing plants surround them.

Through attending public meetings, studying, and talking with others, reviewing archived and current Intel files at Oregon Department of Environmental Quality (ODEQ), I began to realize that Intel posed a serious threat to their health and safety.

I have written Op Ed pieces, letters to the editors, made many public comments to the Oregon Environmental Quality Commission (the policy and enforcement arm of ODEQ), and talked with legislators, our Governor.....

An article in the Dec, 15, 2010, Oregonian newspaper was titled, “Oregon embraces Intel, but in New Mexico, environmental doubts persist.” That article took me on a journey that has been arduous, scary, and uplifting because of the like-minded people I have met on the journey – in particular, Linda Peters, former Washington County Commissioner and chair who encouraged Intel to locate in Washington County in the 1980s.

Linda expected Intel to be a good neighbor, but later testified before the Oregon Environmental Quality Commission (EQC) that she wished she had not encouraged Intel to invest in Oregon because of the environmental damages – air, water and land – that Intel’s footprint is causing.

I made a similar statement: “At least demand that Intel install the “BEST”, not just reasonable abatement control devices, as Intel applied for in their permit”.

I testified at the ODEQ Intel Title V, Prevention of Significant Deterioration Air Quality Permit Hearing Oct. 14, 2013, and gave a copy of Boiling Frogs to the ODEQ Hearing Officer and later to Intel’s Regional Corporate Public Affairs Director, who said she already had a copy. I did not get a reply from Intel’s Public Affairs Director even though she coordinated the writing of responses to the official Hearing testimony. About twenty people testified at the Hearing and ODEQ finally released its summary of those extensive comments only after I made very assertive requests.

I submitted copies of Boiling Frogs as part of my official Testimony, but Intel never addressed Boiling Frogs in their responses to that incriminating testimony. ODEQ permit writer George Davis said early on that ODEQ would rubber stamp Intel’s Air Quality permit, but later told me that they could not ignore the testimony at the Hearing and therefore recommended to the OEQC (the five member board appointed by

the Governor to set policy, enforce environmental rules) that they impose penalties for Intel's breaking the law/rules.

On April 22, 2014, OEQC/ODEQ fined Intel \$143,000 for three major violations:

- (1) Failing to notify ODEQ of its fluorides emissions for the purpose of regulating Intel as required by OAR
- (2) Beginning constructing of Fab D1X and Fab 20 without first obtaining the proper construction approval
- (3) Failing to obtain a permit to emit fluorides, a regulated pollutant.

But OEQC/ODEQ allowed Intel to continue to build without a valid building permit. Click on this link <http://www.oregon.gov/deq/NWR/Documents/MAOintel.pdf> to read the entire Mutual Agreement and Order between OEQC & Intel.

The Oregon Department of Justice working for the OEQC fined Intel only \$143,000 for those three major violations. This trivial \$143,000 fine is just a slap on the wrist - equivalent to the profit Intel would earn in just eight minutes.

But what Intel cannot change is the reality that it broke the law, got caught, and has not convinced many people living next to five manufacturing plants in Washington County that the mix of substances in current and future emissions are safe to breathe.

Unfortunately, I've been told to expect state agencies and elected officials to give Intel anything and everything it requests, including what Intel objected to in the permit application.

Fred Marsh, a retired chemist who is quoted extensively in Boiling Frogs, told me: "We don't want Intel's Oregon neighbors to suffer the fate of Intel's New Mexico neighbors, who have experienced a rate of ALS 25 times higher than expected, and a rate of lethal pulmonary fibrosis nine times higher than expected, as well as a high incidence of other respiratory ailments."

"The claim that fluoride is not a health hazard is contradicted by hard facts, such as the leak of poisonous nitrogen trifluoride from a work station exhaust system at Intel's microchip factory in Chandler, Arizona on June 29, 2013, that injured 43 Intel employees and hospitalized 11 others."

http://www.oregonlive.com/silicon-forest/index.ssf/2013/06/intel_gas_leak_in_arizona_inju.html

Marsh continued, "Chip making is sometimes called a "clean industry" because of the images of technicians in white lab suits working in ultra-clean rooms with shiny pristine silicon wafers. But it is estimated that on the average day of operations at a chip-making plant, four million gallons of wastewater are produced, and thousands of gallons of corrosive hazardous materials, like hydrochloric and sulfuric acid, are used."

Author Barbara Rockwell told me "If Intel were a flesh and blood person, you would have to treat it as you would a dangerous sociopath, not a reasonable, moral individual. You can't believe or trust anything it says or does.

I think my book Boiling Frogs is a fair account of our experience so be forewarned. What's not included in my book is the death of Rosemary Keefe, a lovely woman, a retired English professor who was looking forward to a long and happy retirement. She died a year ago of pulmonary fibrosis after living in my old neighborhood just below Intel for just a few short years. She had a clean bill of health when she moved there and now she's dead. Doesn't get more final than that.

Of course, Intel accepts no responsibility, it never has and it never will. My advice is to protect yourself and those you love, get as far away from the Intel plants as you can. I wish you well!"

Intel's Aloha, Oregon site has leaked toxic chemicals into the ground, some of which are the same chemicals that Intel used and abandoned in California. The former Mountain View site is now an EPA designated Superfund site. Will Aloha be the next Superfund Site Intel creates and abandons?

In Nov. 2014, Intel persuaded OEQC/ODEQ to adopt, for six months, a temporary rule that allows Intel to sidestep very important rules and regulations. Intel's attorney argued that Intel should not be regulated by an appropriate permit because it would cost Intel too much money.

Instead of protecting public health and the environment, Intel's objective is to save money by avoiding a Federal Title V permit with Prevention of Significant Deterioration standards.

It is unconscionable that OEQC/ODEQ may allow this temporary rule to become permanent, which will allow Intel to avoid being held to the highest current ODEQ standards of toxic and greenhouse gas emissions, and the highest Federal Standards for a Major Source emitter, which Intel is.

Why is it unconscionable? - a cost of a few hundred thousand dollars is paltry compared to Intel's \$12 billion profits; but more importantly, Intel is asking to avoid the Best Available Abatement Controls that would protect public health and the environment.

In addition to countless tons of toxic emissions, Intel wants to release 819,000 tons of carbon dioxide. This huge release of a major greenhouse gas amounts to 1.5 tons per minute, or 4 MILLION pounds per day, or 1.6 BILLION pounds per year.

This puts Intel in the category of a Major Source greenhouse gas emitter, not far behind the coal-fired electricity producing plant in Eastern Oregon (over 2 million tons per year) and the three natural gas electricity producing plants (between 800,000 and 900,000 tons per year).

Although I'm highly critical of Intel's minor-source permit and the way ODEQ has allowed Intel to operate, my objective is to protect the environment and the public, not punish Intel. We're neighbors, and neighbors should try to work together for the common good.

To begin with, the Good Neighbor Agreement we are negotiating with Intel Oregon must be more than an Intel Public Relations effort to project a positive image, unlike the New Mexico Good Neighbor Agreement that Intel began violating before the ink was dry.

We have no reason to trust Intel. Trust is something that must be earned, and Intel in New Mexico has given us many reasons for distrust. The motto to follow: "Trust, but verify". If Intel in Oregon wants to earn our trust, it can begin by doing the following:

1. Intel should adopt the Supercritical Carbon Dioxide chip-cleaning process, developed at Los Alamos National Lab. This process would significantly reduce the amount of toxic chemicals Intel Oregon uses and releases, while decreasing water consumption by 90%.
2. Intel should continuously measure what it actually emits, rather than report calculated values, based on emission factors that may allow Intel to select whatever low number it wants.
3. Finally, Intel should install air monitors in nearby residential neighborhoods. If Intel emissions are as harmless as it claims, this is the perfect opportunity to prove it. Intel's unwillingness to measure what it puts into the air the neighbors must breathe is the equivalent of taking the Fifth Amendment to avoid self-incrimination. One can only conclude that Intel opposes such monitors because they may confirm that the toxicity of residential air is dangerously high.

If Intel is ready to make a genuine commitment to protect public health and the environment, I am willing to replace confrontation with cooperation. We - as stakeholders who have a vital interest in the outcome - are willing to work with Intel and ODEQ to develop a new air quality (toxic) permit that meets the legitimate needs of everyone. That would be the best possible outcome for all concerned.

Disclaimer number 1: I am a member of the Air Quality Advisory Committee that was formed by the attorneys of NCA/NEDC to negotiate with Intel attorneys and Intel employees. I am not speaking for AQAC, but for the many community members who have contacted me before NCA/NEDC attorneys asked me to join their team. I have been and will continue to negotiate in good faith as defined by the Settlement Agreement. It has been made very clear that the regulatory agencies – ODEQ and EPA – are not part of the negotiations and I assume the outcome of the risk assessment and operational information of the plants will not be used as evidence in future permitting applications.)

Disclaimer number 2: I am a member of the Washington County Democratic Central Committee's Platform and Resolution Committee. Starting in early 2014, I wrote an Intel Resolution, which was passed by the by the Washington County Democrat Committee Jan 28, 2015. The title is: 'Regarding Intel's Toxic Air Emissions that Create Public Health Problems'. After stating eight reasons for the Intel Resolution, the Resolution concludes:

1. To require Intel to use Best Available Abatement Technology to ensure the toxic chemical emissions by Intel do not threaten the health and or lives of residents and employees.
2. To require DEQ to live up to its mission statement for protecting the health and lives of local residents of the citizens of Washington County, surrounding communities and ultimately the entire population of the State of Oregon. (See attachment, two-page Intel Resolution with references.)

My third Conclusion in the Intel Resolution was not adopted, but after a very informative KATU TV report, most people now wish it was. That third Conclusion stated: To request an unannounced, genuine OSHA Intel inspection since only one has occurred within the last 30 years.

Why do a lot of people wish that this third Conclusion was adopted?

KATU News station wrote a story titled: **Dying for tech toys? Chip boom reflected in rising ALS rates**

<http://www.katu.com/news/local/Portland-Area-ALS-Deaths-Reach-Record-High-290702851.html>

This story tells how Daniel Berry died at age 49 after he started to get symptoms of Lou Gehrig's disease (ALS), a rare neuro-degenerative disorder that traps its victims in their own bodies. It normally strikes when people are in their sixties. Daniel was only 45 years old. By 46, he needed a wheelchair; by 47, a ventilator. Eight months after he turned 49, Daniel was gone.

Daniel's wife Michelle Berry mourned, "This disease is horrible and I wouldn't wish it upon my worst enemy. There's just nobody I'd want to have it."

"For nearly 15 years, Daniel worked as a chip polisher for Intel at the company's Ronler Acres location in Hillsboro, Oregon. It's a job that exposed him to harsh chemicals. Before dying, he learned of three co-workers at that location who developed ALS."

That very long and fact filled story concludes: "Intel is facing some intense scrutiny right now over the chemicals it's releasing into the community from its plants in Washington County. The State didn't know Intel was releasing fluorides into the air for 30 years. And now it's asking the State to increase those chemical releases."

We ask ODEQ to fulfill its function as a regulating agency by writing a strict permit that will protect the public. Even a strict permit, of course, will do no good unless it is enforced. So we also ask ODEQ to require Intel to comply with the new permit, rather than excuse major violations as "oversights," with trivial fines imposed as penalties. Even that may not be enough to protect public health because safe exposure limits do not exist for many of Intel's toxic chemicals.

ODEQ/EQC adopted Intel's 'Temporary Rule' for six months. In April 2015, EQC will decide whether to make that 'Temporary Rule' permanent.

In response to Intel's statements I wrote to EQC/ODEQ, "Wow – not be held to more strict rules so that Intel does not have to pay a paltry fee compared to 12 billion in profits; but more importantly, not be held to stricter controls so that Best Available (Achievable) Abatement Controls, be installed on all of their emission stacks, instead of just Reasonable Abatement Controls to help reduce toxic air emissions. Protection of public health is not Intel's main interest."

To summarize: A new Federal Major-Source Title V permit that has a Prevention of Significant Deterioration Standard would allow Intel to meet its production goals while using the "BEST" available abatement techniques on all emission stacks/locations to protect the environment and the health of its neighbors.

This, after all, is the proper function of any regulatory permit. To do less is to invite an environmental and human health disaster of frightening proportions.