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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

Steve Edmiston

Plaintiff,

v.

Port of Seattle,

Defendant.

NO.
COMPLAINT FOR DISCLOSURE
UNDER THE PUBLIC RECORDS ACT

I. INTRODUCTION

1.1 On December 1, 2020, Seattle-King County Public Health issued its “Community Health and Airport Operations Related Noise and Air Pollution: Report to the Legislature in Response to Washington State HOUSE BILL 1109” (the “Public Health Report”). The Public Health Report specifically focused upon the community health impacts from Seattle-Tacoma International Airport (“Sea-Tac”), operated by the Port of Seattle (the “Port”). Among other things, the Public Health Report conducted a study on the population health impact of the SeaTac airport communities. The 96-page Public Health Report found significant rates of poor public health outcomes that became worse closer one lived to the airport. By way of example, the poor health outcomes addressed included lower life expectancy rates; higher rates of death

1 overall, including higher rates of death from heart disease, chronic lower respiratory disease,
2 diabetes, and chronic liver disease; higher hospitalization rates; and higher rates of premature
3 births. The Public Health Report also addressed the likely causal nature between noise and air
4 pollution and numerous negative health outcomes. The Public Health Report concluded, among
5 other things, “Prevention and mitigation of airport-related pollution exposures is critical for
6 these communities, given their increased risk. People living in airport communities are more
7 likely to be exposed to airport-related air and noise pollution.”
8

9 1.2 Plaintiff made two separate public records requests to the Port, Request #21-208 and a
10 follow-up, Request #21-299. These requests sought communications and other documents
11 referring or relating to the Port of Seattle’s actions (or inaction) relating to the Public Health
12 King County Report. This Complaint specifically addresses Request #21-299.
13

14 1.3 This dispute arises from the Port’s refusal to produce non-redacted copies of certain
15 Port documents relating to the Public Health Report. Specifically, the documents at issue
16 include multiple copies of a Port of Seattle consultant’s report (the “Ramboll Report”) on the
17 subject of the Public Health Report. The Ramboll Report was commissioned by the Port within
18 days of learning of the Public Health Report. The purpose of the Ramboll Report was to review
19 the Public Health Report and “generate findings and recommendations related to study methods
20 and results produced.” The Ramboll Report consists of a 28-page presentation about the Public
21 Health Report. The Ramboll Report was attached to multiple e-mails circulated among, by and
22 between numerous Port personnel, including the Port’s CEO. The Ramboll Report, by its very
23 design, establishes (i) what the Port knew, (ii) when the Port knew it, and (iii) what the Port’s
24 own consultant advised, with respect to the negative health outcomes raised by the Public
25 Health Report.
26

1 1.4 In responding to the Record Requests, the Port redacted all meaningful information
2 from every copy of the Ramboll Report produced, including copies of the Ramboll Report
3 attached to various circulated internal e-mails. The Port should have produced copies of these
4 records, and any similarly relevant records, without redaction, directly to Plaintiff. In failing to
5 do so, the Port violated the Public Records Act (PRA), Chapter 42.56 RCW.

6 1.5 The risk of negative public health impacts from living near the Sea-Tac Airport is a
7 matter of significant concern and interest to the citizens of the airport neighbor communities.
8 The Port's decision to intentionally withhold information from the public, specifically
9 including the "findings and recommendations" of the its own consultant relating to the 96-page
10 Public Health Report, is a matter of grave public concern.

11 1.6 Plaintiff brings this action to compel the Port of Seattle to produce non-redacted copies
12 of requested records in compliance with the PRA. Plaintiff, an attorney appearing pro se, also
13 seeks reasonable attorney fees and, to deter future violations, an award of penalties as
14 authorized by RCW 42.56.550.
15

16 **II. JURISDICTION AND VENUE**

17 2.1 The Port of Seattle is located in Seattle in King County, Washington. The public records
18 at issue are maintained by the Port in Seattle.
19

20 2.2 This Court has jurisdiction pursuant to RCW 42.56.550(1). Venue lies in this court
21 pursuant to RCW 4.92.010(1), RCW 4.92.010(2), RCW 4.12.025(1) and RCW 42.56.550(1).
22

23 **III. PARTIES**

24 3.1 Plaintiff Steve Edmiston is an individual residing in the City of Des Moines, King
25 County, Washington. Plaintiff is an attorney licensed to practice law in the State of
26

1 Washington. Plaintiff is taking time away from his law practice to prosecute this action, and is
2 representing himself pro se.

3 3.2 The Port of Seattle is a public municipal corporation that owns and manages Seattle-
4 Tacoma International Airport, the region's largest airport and the 8th largest airport in the
5 United State. The Port claims \$22.5 Billion in total economic activity is generated by Sea-Tac
6 Airport. The Port budgeted 2021 revenues at \$987,694,000. The Port’s 2021 budgeted expenses
7 were \$792,475,000. The Port is an agency as defined by RCW 42.56.010(1).
8

9 **IV. BACKGROUND AND FACTS**

10 **The Public Health Report**

11 4.1 In 2019, the Washington State legislature sought to better understand the community
12 health effects of pollution related to Seattle-Tacoma International Airport operations. The
13 legislature funded a proviso in the 2020 operating budget Washington State (HB 1109) for King
14 County’s local health jurisdiction – Public Health Seattle and King County (“PHSKC”) - to
15 conduct a study on the population health impact of the SeaTac airport communities. The study
16 was to include (i) an analysis of existing data sources and an oversample of the Best Start for
17 Kids child health survey to produce airport community health profiles within a one-mile, five-
18 mile, and ten-mile radius of the airport; (ii) a comprehensive literature review concerning the
19 community health effects of airport operations, including a strength-of-evidence analysis; (iii)
20 the findings of the University of Washington School of Public Health study on ultrafine
21 particulate matter at the airport and surrounding areas; and (iv) any recommendations to address
22 health issues related to the impact of the airport on the community.
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25 4.2 On December 1, 2020, Seattle-King County Public Health issued its 96-page
26 “Community Health and Airport Operations Related Noise and Air Pollution: Report to the

1 b. Airport communities are associated with higher rates of pervasive health
 2 concerns. Compared to the rest of King County, communities within 10 miles of
 3 SeaTac report:

4 i. A greater percentage of infants born prematurely and/or with low
 5 birthweight; this was summarized with a graphic:

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Table 6
Birth risk factors
by Zone, 2014-2018 average

Indicator	Zone A: <1 mile from airport		Zone B: 1 to <5 miles from airport		Zone C: 5 to 10 miles from airport		Balance of County
	Percent of live births	Count	Percent of live births	Count	Percent of live births	Count	Percent of live births
Early and adequate prenatal care ¹	63.9%	300	68.8%	2,367	71.1%	5,042	75.0%
Premature births (singleton) ²	9.8%	48	9.4%	334	8.2%	593	6.6%
Low birthweight (singleton) ³	5.8%	28	6.1%	217	5.5%	400	4.7%

¹ "Early and adequate prenatal care" based on Kotelchuck Index (>= 80% of expected prenatal care visits).
² A low birth weight is a weight at birth of less than 2500g.
³ A premature birth is a birth at less than 37 weeks gestation.

Higher than Balance of County
 Lower than Balance of County
 Not different from Balance of County

14 ii. Higher hospitalization rates for asthma, stroke, chronic obstructive
 15 pulmonary disease (COPD), heart disease, and diabetes;

16
17 iii. Lower life expectancy the closer you live to the airport. This was
 18 summarized in a graphic:

19 **Life expectancy:** Life expectancy in airport communities was lower than that of Balance of County and
 20 decreased the closer you are was to the airport (Table 10). The life expectancy of people in Zone A,
 closest to the airport, was 5.0 years lower than that of people living in Balance of County.

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Table 10
Life expectancy at birth
by Zone, 2014-2018 average

Indicator	Zone A: <1 mile from airport	Zone B: 1 to <5 miles from airport	Zone C: 5 to 10 miles from airport	Balance of County
	Years	Years	Years	Years
Life expectancy	77.9	79.4	81.2	82.9

Higher than Balance of County
 Lower than Balance of County
 Not different from Balance of County

iv. Higher rates of death overall, and specifically higher rates of death from heart disease, chronic lower respiratory disease, diabetes, chronic liver disease, and homicide.

Table 14

Excess deaths in airport communities ¹				
5 leading causes of King County deaths, 2014-2018 average				
Cause Of Death	Observed per year ²	Expected per year ³	Excess per year ⁴	Mortality ratio ⁵
Zone A: Less than 1 mile from airport				
Cancer	35	25	10	1.4
Diseases of heart	28	12	16	2.3
Alzheimer's disease	2	1	0	1.3
Accidents (Unintentional injuries)	12	7	5	1.8
Cerebrovascular diseases (stroke)	5	2	2	1.9
Zone B: 1 to less than 5 miles from airport				
Cancer	299	234	65	1.3
Diseases of heart	181	113	69	1.6
Alzheimer's disease	11	13	0	0.8
Accidents (Unintentional injuries)	82	58	24	1.4
Cerebrovascular diseases (stroke)	40	22	18	1.8
Zone C: 5 to 10 miles from airport				
Cancer	600	569	31	1.1
Diseases of heart	359	275	85	1.3
Alzheimer's disease	32	32	0	1.0
Accidents (Unintentional injuries)	170	138	32	1.2
Cerebrovascular diseases (stroke)	76	54	22	1.4

¹ Calculations exclude age 80 and older. See Appendix A for details.
² Observed per year is the number of actual deaths.
³ Expected per year is the number of deaths that would have occurred if the death rate was the same as the death rate in Balance of County. See Appendix A for details.
⁴ Excess per year is the number of observed deaths minus the number of expected deaths. Numbers may not total due to rounding.
⁵ Mortality ratio is the Zone's death rate divided by the death rate in Balance of County. See Appendix A for details.

Higher than Balance of County
 Lower than Balance of County
 Not different from Balance of County

4.7 The Public Health Report addressed the likely causal nature between noise and air pollution and numerous negative health outcomes. For example, the Report's Table Nos. 16, 18-20, summarized likely causal and causal health outcomes from airport operations:

Table 16

Health outcomes likely caused or caused by airport operations-related pollutants based on evidence to date		
Organ System	Noise Pollution	Air Pollutants
Cardiovascular	Causal	Causal
Respiratory	Not examined	Causal
Reproductive & fertility	Not examined	Causal
Birth outcomes	No causal evidence	Likely causal
Cancer	Not examined	Causal
Central nervous system	No causal evidence	Causal
Metabolic system	No causal evidence	No causal evidence

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Table 18

Health outcomes resulting from noise pollution based on evidence to date	
Health outcome	Noise Pollution Impact
Cardiovascular	Causal
Sleep disturbance	Causal
Annoyance	Causal
School performance	Likely causal

Table 19

Health outcomes resulting from Fine Particulate Matter based on evidence to date		
Health outcome	Short-term Exposure Impact	Long-term Exposure Impact
Cardiovascular	Causal	Causal
Respiratory	Causal	Causal
Nervous System	Suggestive evidence	Likely causal
Birth outcomes	Suggestive evidence	Likely causal

Table 20

Health outcomes resulting from Ultrafine Particulate Matter based on evidence to date		
Health outcome	Short-term Exposure Impact	Long-term Exposure Impact
Cardiovascular	Suggestive evidence	Inadequate to date
Respiratory	Suggestive evidence	Inadequate to date
Nervous system	Suggestive evidence	Likely causal
Birth outcomes	Suggestive evidence	Suggestive evidence

4.8 The Public Health Report found that airport operations resulted in noise and air pollution, which were linked to many of the health outcomes experienced by airport communities.

4.9 The Public Health Report found that noise pollution contributed to hypertension and heart disease and likely caused poor school performance among children.

4.10 The Public Health Report found that air pollution impacted numerous organ systems, and multiple pollutants are associated with cardiovascular and respiratory problems. The air pollutants related to airport operations include particulate matter of various sizes, ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur oxides (SO_x), and other hazardous air pollutants. Fine particulate matter (PM_{2.5}) causes cardiovascular and respiratory problems, and likely causes cancer and central nervous system conditions, including dementia and neurodegeneration.

1 4.11 The Public Health Report found recent studies link exposure to particulate matter led to
2 increased risk of preterm births and respiratory concerns, among other issues. Ozone, NO₂, and
3 SO_x cause short-term respiratory issues. NO₂ likely causes long-term cardiovascular problems,
4 and CO causes short-term cardiovascular concerns and likely affects lung functioning. These
5 pollutants are especially concerning for people with underlying respiratory or cardiovascular
6 issues because they worsen existing conditions, though long-term exposures increase risk in the
7 general population for developing problems. The hazardous air pollutants (HAPs) found at
8 airports are known or suspected carcinogens and/or cause birth defects.

10 4.12 The Public Health Report determined that researchers with University of Washington’s
11 Environmental and Occupational Health Sciences Department had conducted the first study of
12 ultrafine particle (UFP) concentrations near the SeaTac airport during 2018–19, and found higher
13 concentrations of UFP below aircraft flight paths, with the highest concentrations associated with
14 aircraft landings, and that the findings supported the conclusion that communities underneath
15 and downwind of the flight path are exposed to aircraft-related UFP concentrations.

17 4.13 The Public Health Report concluded:

18 Prevention and mitigation of airport-related pollution exposures is critical
19 for these communities, given their increased risk. People living in airport
20 communities are more likely to be exposed to airport-related air and noise
21 pollution. They are more likely to have underlying conditions like
22 diabetes, heart disease, and respiratory conditions, which increases
23 vulnerability to more serious health outcomes resulting from pollution
24 exposures. Epigenetic changes from exposures to previous generations
25 may increase susceptibility to health effects from air pollution today.

23 4.14 The Public Health Report recommended, among other things, the following:

- 24 a. Implement focused efforts to address the health disparities of airport
25 communities, including mitigating the health impacts of airport operations;
- 26 b. Continue development and implementation of strategies to mitigate airport-
related air and noise pollution; and
- c. Expand the systematic monitoring of pollutants (both outdoor and indoor
exposures) in residences, schools, childcare settings, and long-term care

1 facilities, including the implementation of new technologies to improve
2 measurement of exposures indoors and outdoors.

3 **Port of Seattle Learns of the Public Health Report**

4 4.15 On information and belief, the Port did not learn of the December 1, 2020, Public Health
5 Report until April of 2021.

6 4.16 After learning about the Public Health Report, the Port of Seattle did not take a single
7 public-facing action to express any concern over the Report’s findings and conclusions relating
8 to the risks to the public health of the airport neighbor communities.

9 4.17 After learning about the Public Health Report, the Port of Seattle did not take a single
10 public-facing action reflecting that it would seek to undertake any of the recommendations made
11 by the Public Health Report.

12 4.18 Instead, within days of learning of the Public Health Report, The Port of Seattle
13 commissioned a consultant – Ramboll – to review the Public Health Report and generate findings
14 and recommendations related to study methods and results produced. Ramboll is a global
15 engineering, architecture and consultancy company founded in Denmark in 1945, and currently
16 operating in 35 countries.

17 4.19 Ramboll completed its work and prepared a 28-page presentation (“The Ramboll
18 Report”) for the Port of Seattle. The Ramboll Report was presented to Port of Seattle personnel
19 on or about April 27, 2021. Beginning at least on or about May 11, 2021, the Ramboll Report
20 was shared widely among Port Environmental Staff.

21 4.20 The Port staff did publicly address the Public Health Report in June 22, 2012, in a letter
22 from Port of Seattle employee Arlyn Purcell, the Port’s Director of Aviation Environment &
23 Sustainability, to Dr. Kris Johnson of Public Health – Seattle & King County. The letter was
24 titled “Initial Concerns and Questions for Public Health-Seattle & King County.” Ms. Purcell
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26

1 stated, “We have reviewed the report and have a number of questions and concerns regarding the
2 County’s methodology, data sources, scope, analysis, and conclusions.” The letter contained an
3 attachment of concerns about the Public Health Report. The letter contained an attachment of
4 concerns about the Public Health Report, including that the Port – the object of the Report and
5 in relation to the disparate health impacts – was not consulted or allowed to coordinate on the
6 Public Health Report, and that the Port would have “supplied additional rigorous scientific and
7 technical information that could have aided this study.” The letter was then shared by Ms. Purcell
8 at the SeaTac Airport Stakeholder Advisory Round Table (StART), a public organization
9 consisting of Port staff, airport neighbor city staff, and others. While sidestepping the issue of
10 community health, Ms. Purcell stated that the Port’s “overarching intent is not to sidestep the
11 issues of community health but to ensure that accurate, scientifically supported information be
12 presented regarding the airport’s role in the larger regional contribution of air and noise
13 pollution.”
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16 4.21 To Plaintiff’s knowledge, the material findings, facts and conclusions in the Ramboll
17 Report relating to the Public Health Report have never been made available to the public.

18 **V. RECORDS REQUEST**

19 5.1 Plaintiff made two public records requests to the Port of Seattle. The first request:

20 **May 5, 2021, Request #21-208.**

21
22 With respect to the "December 1, 2020, Community Health and Airport
23 Operations Related Noise and Air Pollution: Report to the Legislature in
24 Response to Washington State HOUSE BILL 1109," produced by Public Health
25 King County and others (the "Public Health King County Report"), please provide
26 all records of, or relating to:

1. Communications (including but not limited to correspondence, e-mail, text, and social media) (i) internally by or between Port of Seattle Commissioners and/or PoS staff, and (ii) by or between Port of Seattle Commissioners and/or any PoS staff on the one hand, and any third-party individuals, agencies, or entities,

1 on the other, relating to Public Health King County Report.

2 2. Any other documents, including memoranda, studies, assessments, or
3 reviews, referring or relating to the Public Health King County Report.

4 5.2 Plaintiff's second records sought a supplement the initial request, and for the first time
5 specifically requested records relating to the Ramboll Report.

6 **June 26, 2021, Request #21-299.**

7 Please provide a supplement to Request #21-208, adding all responsive
8 records from May 5, 2021, to the present. By way of example, but not limitation,
9 supplemental responsive documents will also include:

- 10 • Records relating to the drafting, preparation, revisions, notes, and use
11 of Arlyn Purcell's June 22, 2021, letter to Dr. Kris Johnson, Senior
12 Social Research Scientist, Assessment, Policy Development &
13 Evaluation Public Health—Seattle & King County (PHSKC);
- 14 • Records relating to the Ramboll Group retention, work, comments,
15 reviews, reports, notes, or presentations, regarding the "Community
16 Health and Airport Operations Related Noise and Air Pollution"
17 report, e.g., as referenced in Megan Neiderhiser's April 28, 2021, e-
18 mail to Steve Rybolt;
- 19 • Records wherein Port of Seattle staff (i) first provided the full report
20 on "Community Health and Airport Operations Related Noise and Air
21 Pollution" report to each Port of Seattle Commissioner, and (ii) all
22 other information on the "Community Health and Airport Operations
23 Related Noise and Air Pollution" report to each Port of Seattle
24 Commissioner.

25 5.3 The Port of Seattle produced documents relating to the above requests. Multiple redacted
26 copies of the Ramboll Report were produced as part of both Requests. The latter Request No. 21-
299 was closed by the Port of Seattle on September 30, 2021.

27 **The Redactions of the Ramboll Report**

28 5.4 In reviewing whether the Public Health Report was responsive to the State legislature's
29 "charge," the Ramboll Report provided statements relating to both "status" and an assessment of
30 "What KCDOH did." However, all of this was redacted by the Port of Seattle:

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WAS THE REPORT RESPONSIVE TO THE CHARGE?

Request	Requirements	Status	What KCDOH did
1	Analysis of existing data sources	[REDACTED]	[REDACTED]
	Oversample Best Starts for Kids Health Survey	[REDACTED]	[REDACTED]
	Produce airport community health profiles within a one-, five-, and ten-mile radius	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]
2	Comprehensive literature review of community health effects of airport operations	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]
	Strength-of-evidence analysis of community health effects of airport operations	[REDACTED]	[REDACTED]

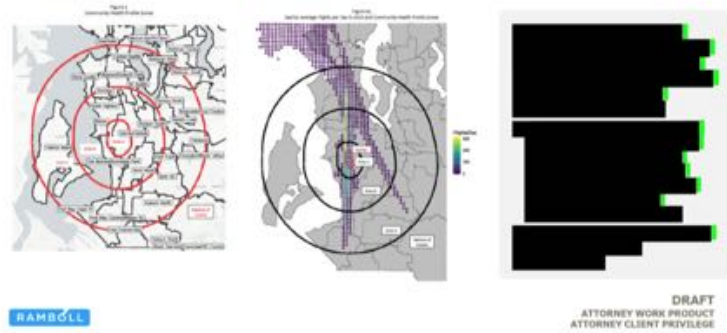
RAMBOLL DRAFT
ATTORNEY WORK PRODUCT
ATTORNEY CLIENT PRIVILEGE

WAS THE REPORT RESPONSIVE TO THE CHARGE?

Request	Requirements	Status	What KCDOH did
3	Findings of UWSPH study of UFP at airport	[REDACTED]	[REDACTED]
4	Any recommendations to address health issues related to the impact of the airport on the community	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]

5.5 With respect to assessing the Public Health Report’s use of 1-, 5-, and 10-mile distances from the airport, the Ramboll Report’s comments were redacted.

DISTANCE FROM AIRPORT 1-, 5-, AND 10-MILES (ZONES A, B, C, RESPECTIVELY)



5.6 The Ramboll Report reviewed the Public Health Report’s assessment of airport communities in comparison to the rest of King County, including in terms of life expectancy,

1 death rates, hospitalization rates, and cancer. However, all of the comments by Ramboll - - over
2 three slides - were redacted.

01 WHAT IS THE HEALTH OF AIRPORT COMMUNITIES COMPARED TO THE REST OF KING COUNTY?

- Greater level of poverty/ lower income compared to other areas in County
- Greater frequency of smoking
- Greater obesity
- Greater depression
- Greater frequency of inadequate sleep
- Lower life expectancy (1.7-5.0 years)
- Death rates higher for heart disease, unintentional injury (poisoning, falls, traffic crashes), chronic lower respiratory disease, diabetes, chronic liver disease, homicide
- Higher hospitalization rates for asthma, stroke, diabetes, heart disease
- Greater cancer incidence

RAMBOLL

DRAFT
ATTORNEY WORK PRODUCT
ATTORNEY CLIENT PRIVILEGE

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5.7 All comments on noise pollution and health effects were redacted.

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NOISE POLLUTION & HEALTH EFFECTS

- Noise pollution causes:
 - Cardiovascular disease
 - Sleep disturbances
 - Annoyance
- Noise pollution is likely to cause:
 - Decreased school performance

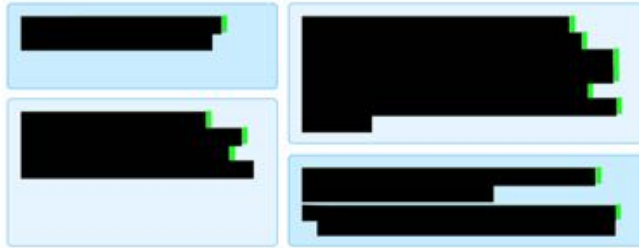


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5.8 All comments – over four slides – on pollutants and health impacts from airport operations were redacted.

COMMENTS: POLLUTANTS & HEALTH IMPACTS FROM AIRPORT OPERATIONS



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POLLUTANTS & HEALTH IMPACTS FROM AIRPORT OPERATIONS



- Report states:

“Not enough is known about people’s exposure to airport-related noise and air pollution, likely because it can be difficult to assess and requires understanding the concentration of pollutants, duration of exposure, and in some cases infiltration of pollutants into biological system. At an individual level, determining exposure requires either testing biologically to determine the level of pollutants in systems, or using personally, portable pollutant monitors to measure exposure as well as people’s location when exposure occurred. Such studies are infrequent and time consuming; the more common approach is to use available information from existing ambient noise and air pollutant monitors and estimate people’s exposure using residential addresses or similar data.”

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1 **POLLUTANTS & HEALTH IMPACTS FROM AIRPORT OPERATIONS**

2 [Redacted]

3 • Report states:

4 “Not enough is known about people’s exposure to airport-related noise and air pollution, likely because it can be difficult to assess and requires understanding the concentration of pollutants, duration of exposure, and in some cases infiltration of pollutants into biological system. At an individual level, determining exposure requires either testing biologically to determine the level of pollutants in systems, or using personally, portable pollutant monitors to measure exposure as well as people’s location when exposure occurred. Such studies are infrequent and time consuming; the more common approach is to use available information from existing ambient noise and air pollutant monitors and estimate people’s exposure using residential addresses or similar data.”

5 “

6 [Redacted]

7 **RAMBOLL** **DRAFT**
ATTORNEY WORK PRODUCT
ATTORNEY CLIENT PRIVILEGE

8 [Redacted]

9 [Redacted]

10 [Redacted]

11 [Redacted]

12 [Redacted]

13 [Redacted]

14 [Redacted]

15 **RAMBOLL** [Redacted]

17 5.9 All Ramboll Report comments on the Public Health Report’s findings relating to the
18 University of Washington’s ultrafine particulate study were redacted.

19 **WHAT KCDOH REPORTED**

20 [Redacted]

21 Provides excerpt of Executive Summary from MOV-UP report

22 “The study primarily found that UFPs derive from both roadway and aircraft sources, with the highest UFP counts found nearest major roadways (Interstate 5). Total concentrations of UFP alone (10-1,000 nm) did not distinguish roadway and aircraft features”

23 [Redacted]

24 [Redacted]

25 **RAMBOLL** **DRAFT**
ATTORNEY WORK PRODUCT
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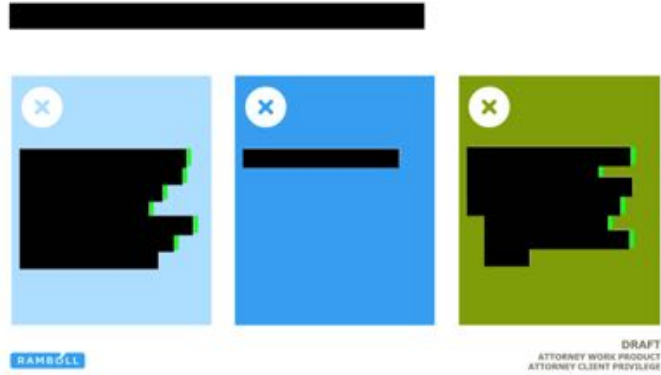


5.10 All Ramboll Report comments on the Public Health Report’s recommendations – including recommendations for mitigation of health impacts from airport operations, mitigating airport noise and pollution, and supporting further research – were redacted.



5.11 The Ramboll Report reached a number of conclusions, over two slides. These were all redacted.

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5.12 The Port identified various copies of the Ramboll Report (all redacted as above and attached to numerous Port internal communications) on exemption logs as redacted pursuant to RCW 42.56.280 (“Deliberative Process Exemption”), asserting the information “contains preliminary drafts, notes, and recommendations related to opinions on the King County Health Report under RCW 42.56.280.”

5.13 Plaintiff by letter of December 21, 2021, to the Port of Seattle objected to the redactions based upon to application of the exemption.

5.14 The Port’s outside counsel, by letter of January 26, 2022, re-affirmed the Port’s refusal to produce an un-redacted copy of the Ramboll Report, relying exclusively on the aforementioned exemption. Port counsel asserted that the Exemption applies because of a pending Port project – unrelated to the Public Health Report – the Port’s environmental review required under the State

1 Environmental Protection Act (“SEPA”) for the proposed Sustainable Airport Master Plan
2 (“SAMP”) Near-Term Projects (“NTPs”) for Sea-Tac Airport.

3 **VI. RESPONSIVE RECORDS**

4 6.1 The Port of Seattle is in control of the responsive records at issue – the Ramboll Report,
5 and each communication attaching the Ramboll Report circulated by and between Port staff, Port
6 commissioners, and third-parties, to the extent included within the scope of Request #21-299.

7
8 6.2 The Public Health Report, created by Public Health – Seattle & King County, at the
9 request of the Washington State Legislature, addresses critical public health information, risks,
10 and impacts that arise in relation to being a citizen of an airport neighbor community. The Port
11 of Seattle’s position – that it does not have to release any records relating to its knowledge and
12 assessment of current public health risks posed to its own airport neighbor communities from
13 aviation noise and pollution, *until it is done* with a multi-year project relating to proposed
14 increases in aviation operations over the heads of those very same communities – stands in
15 opposition to the purposes of the of the Public Records Act.
16

17 **VII. CAUSE OF ACTION – PUBLIC RECORDS ACT**

18 7.1 The allegations above are incorporated by reference herein.

19 7.2 The records requested by the Plaintiff are “public records” as defined by RCW
20 42.56.010(3).

21 7.3 The Port of Seattle has violated RCW 42.56.070(1) and RCW 42.56.080 by failing to
22 promptly disclose the complete, unredacted records upon request.

23
24 7.4 The exemption cited by the Port of Seattle does not apply; the Port of Seattle unlawfully
25 withheld public records, in whole or in part, in the absence of any applicable exemption.
26

1 7.5 The Port of Seattle failed to justify the withholding of requested records as required by
2 RCW 42.56.210(3).


3 7.6 The Port of Seattle violated the Plaintiff's (and public's) right to inspect or copy public
4 records.

5
6 **VIII. REQUESTS FOR RELIEF**

7 The Plaintiff respectfully requests the following:

- 8 1. An order for the defendant Port of Seattle to show cause, pursuant to RCW 42.56.550(1),
9 why it denied the Plaintiff an opportunity to inspect or copy all non-exempt records requested;
- 10 2. An order declaring that the defendant agency violated the Public Records Act;
- 11 3. An award of penalties of up to \$100 per day for each record unlawfully withheld from
12 the Plaintiff, pursuant to RCW 42.56.550(4);
- 13 4. An award of all costs, including reasonable attorney fees, as required by RCW
14 42.56.550(4); and
- 15 5. Such other relief as the Court deems proper.
- 16

17
18 Respectfully submitted this 29th day of September, 2022.

19
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