



Transcript of Video Interview with Don May regarding Rim Fay, recorded 2006.

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Don May on Rimmon C. Fay, Part 1

JB: Welcome viewers to the next episode of Heroes of the Coast. This is the program that brings you the personal stories of the people who have dedicated their lives to protecting the California coast for the rest of us. And I'm very pleased to have as our guest today, Don May. Welcome Don!

DM: Delighted to be here.

JB: And Don and I are going to be speaking about one of the most fascinating, charismatic, well-educated and dedicated people within the coastal protection movement, Rimmon C. Fay, Ph.D., who because of health reasons is not able to speak and tell us his own story. But he is such a fascinating person that we want to give some time to his background and stories. Now Don, you've known Rim a very long time.

DM: A very long time.

JB: Tell us about that.

DM: Well, our fathers...both of us came from families of fishermen, people who did a lot of subsistence fishing. And when the fishery collapsed in the late 40s, they formed an organization—Ocean Fish Protective Association—and we thought like Steinbeck said, “where did the sardines go? Well, into cans, of course.” And so there was this great protracted struggle with purse seiners. And my father and Rim's father were two of the founders of this group and very active in it. And my father died at the age of 40, back in '52 and I took his place as a young lad on the board. And during the '50s and into the '60s, Rim, who was going to college at this time, rather than out in the big world like I was, was often the one that helped us with a lot of data. And in particular, in the early '60s, he was the one that really called us to it to our attention that maybe it wasn't those purse seiners that caused the sardines to disappear and the fishery to collapse.

Perhaps it was DDT. And started taking some samples and we found these huge levels of DDT in fish and egg reabsorption and all that kind of thing. And found that DDT was made right here at the Montrose facility down in Lomita and that they were dumping all this stuff offshore and it was causing all of these problems.

And not only that, he was the one that got us into this lawsuit, probably one of the most rewarding ones. He said, “you know, we really have to stop them from dumping all this DDT into the sewer system.” And he introduced me to this chap up in the Westside who was willing to carry some litigation that ultimately resulted in disconnecting Montrose from the sewer system.

JB: Now what year would that have been?

DM: '68.

JB: Now that really gets into the heart of the time when the environmental movement started coming up.

DM: We read Rachael Carson. But Rim was the one that went out and caught the fish and found out what was in them and brought it to our attention that DDT was a huge problem and was, in fact, responsible for the collapse of the fishery. And the disappearance, not only Peregrine falcons and bald eagles, but the California brown pelicans that were gone. They hadn't had a successful fledling in seven...eight years. Not a single bird had hatched and the birds are too old to reproduce. But you know what happens? After the level of DDT went down, those old birds got active again, and started reproducing, and had it not been for Rim...

JB: Are you serious? Now they were declared an endangered species, right?

DM: They were gone! There were a few old birds around, but they were way past breeding.

JB: So his research was directly responsible for them being listed as an endangered species?

DM: Oh that's not only true, but his lawsuit was the one that saved the pelicans, as well as the fishery. Sure we wouldn't have those beautiful birds were it not for Rim.

JB: They are great birds.

DM: Oh yeah! And he published not too long after that a paper looking at the Santa Monica Bay, and all of its potential. What it was, clear up into the '40s, as clearly the richest, most productive and most diverse ecosystem in the world, except off of Peru, where there's a similar one and still is and what it would take to bring it back. And so he became the guru for all of us "coasties" that were concerned with the ocean and the coast and that.

JB: And I knew from the time that I began to know him that he had been testifying for decades...when I first met him was in the '80s...he had the ability, if you would tell us about it, he had the independence to testify. Now why was that unique? Tell us about that.

DM: Well, that's a long story, but the long and short of it is that every scientist finds...let me give you an example. One of the fellows that worked with Rim years later on a marine study and one of the principal investigators on the effects of San Onofre, Brock Bernstein, and I had hired Brock to support a thing that Rim and I were doing about a sewer system, a 301h waiver, in Oxnard.

And we hired Brock to do a study that he did quite well. And we used it and hadn't heard from Brock in a long time until 20, 30 years later, we needed him again. Looked him up, went down. "How are you? It's good...We'd like to hire you again." He said, "after what happened the last time?"

“What do you mean, what happened the last time?”

“I was never ever again to get a job as a marine biologist because I had done this work for Friends of the Earth and the environmentalists. I was blackballed out of the area that I got my doctorate in.” And he had to change and he became an inland biologist and is now into watershed things. But it’s unfortunate that when you find a biologist or an official, anyone in the science community that’s willing to stand up and testify about things that should be apparent to everybody, what happens is that they no longer can work in their field.

Rim and I went to guy by the name of Dave Brown. The sewer system, having taken a beaten mostly from Rim and from those of us who did the legal stud, decided they would set up this organization “to fight the unfounded claims of environmentalists that dumping sewage in the ocean was bad for it.” And they collected a tithe from everybody from San Diego north to San Luis Obispo to hire folks to generate the scientific evidence to show that sewage discharge is good for the ocean.

JB: I remember this organization.

DM: SCCWRP—Southern California Coastal Water Research Project. It’s still around.

JB: Bascomb was the...

DM: Willard Bascomb was the guy. Well, Dave Brown worked for SCCWRP, and Willard was saying things publicly that he felt were not what his studies showed. So he testified in front of Tom Hayden, of course, who called a big thing and the press is there. He says, “there’s three things. First of all they’ve done summaries that don’t reflect the work that I produced. And they changed the data to support the summary from what our study had shown. And they made up numbers out of whole cloth to come in.” He said, “I have to stand up. My integrity as a scientist is being misused.”

JB: And bless him for doing that. And these are two examples of why Rim was so extraordinary because he was an independent businessperson. And tell us about his business.

DM: Well, before I do that, Dave Brown, after he worked out of that testimony, never worked again as a scientist. He went to the East Coast and got a job in epidemiology on cancer development. But he’s never again been able to work as a marine scientist. And there’s a long list of folks... So it’s such a gem to find someone like Rim whose livelihood doesn’t depend on testimony to the other side.

JB: And that was because he had his own company.

DM: Pacific Biomarine, yes!

JB: And what did it do?

DM: Well, Rim and Pacific Biomarine is really a regeneration of Ed Ricketts in Steinbeck's *Cannery Row*. And Steinbeck's Ed Ricketts did have Western Biological. And Rim was a faithful copy of Steinbeck's "Doc" from *Cannery Row*. And he collected things from the ocean. He knew where everything was in the ocean. It was one big pantry. I'd seen him do this time and time again. I was there one time when he got an order for 500 oster (SP?) cods of a certain size. No body had seen them for a long time. They thought they were extinct. And Rim says, "come on, we'll go get them." So we go out in his boat someplace in the middle of this ocean and comes up with these oster cods.

There was a guy, a rather good photojournalist, Don Weidner, had gotten a number of awards for TV documentaries and ABC hired him to do some things and to produce seven...

JB: Documentaries...

DM: Documentaries. And he called up and said, "I saw you on the Michael Jackson with some guy from L.A. County San (Sanitation) and you dumped all of these sick fish out in front of the cameras and said, 'Look at this. Ninety-three percent of the fish in the area impacted by sewage outfalls have these terrible tumors.'" And it's showing these fish with things hanging out of their eyes, grotesque!

Weidner said, "can you really do this?"

And I said, "well, I can't, but I have this guy, Dr. Fay, that supplied these fish and he can.

And he said, "well, will he do it live on national television?"

And I said, "sure!"

And he said, "93 percent, you say, not 92.5, not 93.5, 93 percent of Dover sole are going to have things like [makes face to indicate grotesque]..."

You bet

So we do it. We go down, we're on Rim's boat, we go out in the middle of the ocean. No GPS. I don't know where anything is. We're almost out of sight of land. He gets out the autotrawl and drags it back and forth down there and says, "yeah, we've got about a hundred fish in there now." Pull 'em all up. "Ready to go, guys?" "Yep." Cameras are rolling, live feed, the world is watching. And we look and here's 100 plus or minus two or three fish, 93 of which have these grotesque tumors sticking out of them. It was amazing.

JB: So let's fast forward a little bit into the next phase, the phase that preceded the creation of Proposition 20, which created the Coastal Act and the Coastal Commission. I know you were involved, and how was Rim involved in all of that?

DM: Well, for one thing, the coast was under a lot of pressure. There was a good part of people making decisions thought we ought to follow Miami's lead and develop it and make the whole

California coastline look like Miami. And some of us disagreed. And there were a few icons up and down the coast, and one of them was the lifeguard station in Redondo Beach. And Rim was a lifeguard, put himself through school.

JB: How many years was Rim a lifeguard?

DM: 50 years! 50 years!

JB: Is that unbelievable?

DM: Amazing! And 50 years into it, he was still doing things in the ocean that would have been deadly for somebody like me, and would have been tough for someone in their 20s. It's amazing. Solo diving out in the middle of the ocean and places that were known to be high risk on the Cortez bank and Lawson seamount and places like that that are marked as dangerous. Rim, of course, would go out single-handedly, because there are critters out there that can only be found out there. And he'd anchor this boat to the peak of this underground mountain and dive by himself. Told one time when it broke anchor and was drifting away and he couldn't swim fast enough to catch the thing, and fortunately saw the boat adrift out there and picked them both up. But he was doing incredible things.

So he was in on designing this super lifeguard station for Santa Monica Bay, and a developer leased the property all the way around it to put in a restaurant. And so it was this icon. It was also a Tim Kelly beach, down there Tim Kelly was a local surfing legend and it was a great surfing spot.

Rim used that to show what, as an icon, of what was happening to our coast, how all of the resources that we depended on were being lost to really stupid development. So he played a very strong role all through the Prop. 20 campaign and afterwards, of course, he was appointed as one of the commissioners from the South Coast Commission, and the South Coast appointment to sit on the California Commission. So he was looking at, quite often the decisive vote, on about 5000 development permits per month.

JB: 5000 development permits per month they reviewed?

DM: Yeah.

JB: That's unbelievable!

DM: And he looked at everyone of those. He did them all. He looked at everyone of those.

JB: He had great integrity as a scientist and...

DM: His integrity was even more than that. And because that's one of main things, like me standing up in front of Don Weidner and saying, "93 percent? No problem. Rim says so. Right?" Rim knew that. He knew it. This was a time with the Coastal Commission where a lot of folks

we thought were reasonable people were slipping and falling and taking bribes and getting indicted.

JB: Really?

DM: I was never able to buy him a cup of coffee in my life. He insisted on being independent, on not taking anything from anybody, so he didn't owe anybody anything.

And there was a permit, a development, down on what is now part of, or what was Ballona wetlands. And the Coastal Commission was looking at this and the issue of traffic was key, and whether there was a bridge over Ballona Creek that was going to lessen the traffic. And Rim said, "no, that bridge is not going to be built. The funding has been killed for that." And Louie Knoll (sp?) was one of the councilmen that's in his district said, "oh no, that project is back on track. There will be people driving over that bridge before the development is built." "Well, okay, Louie, if there's no problem like that." And afterward, we're standing out in the hall and Louie's coming by and Rim says, "Louie, I was sure that that project had been killed, had lost its funding." Rim just looked at him. He could not get his mind around the fact that a fellow commissioner would lie, up in front of everybody, tell a blatant falsehood. "Don," he said, "I'm just a simple fisherman. But I'm used to the sea, but you can't lie to the sea, or it will kill you for it." And he lived his life that way. He would bend the truth. He would not take a dime for a cup of coffee. He was a man of integrity, and that's why he had such great respect.

JB: Now, there was one major...well, there were a number...but the one I want to talk about next that you and he were involved in had to do with San Onofre. Tell us about how that started and got going.

DM: Well, Rim got me going in the '60s. And he said, "all of these power plants are up and down the coast, and they're sinking all this heat out there. And sooner or later, you're going to have so much heat out there that the thermal barrier breaks down and the ocean system will collapse." And simple elementary thermal dynamics will show you that.

"By God, that could happen!" So I got interested in single-pass cooling. And Edison was very helpful until we got to this power plant, just south of San Clemente, the nuclear plant. And all of a sudden, "we're not talking to you anymore and all questions go through our attorneys. We'll not divulge any further." People that I knew said, "Don, don't ever talk to me again because my job depends on it. I cannot be seen talking to you. Don't call me."

JB: A little intimidation here.

DM: And it completely reversed from talking about the Redondo or the El Segundo Power Plants. And so we got—both of us—into single-pass cooling and the effects on the ocean, of pulling these huge quantities of water through a plant and killing everything in it. And we opposed it. And Rim, on the state commission, was the key vote that killed the plant. And, in fact, he and Ellen Stern Harris, who chaired at the time. It only passed [sic...he meant it was only defeated] by one vote. We needed both of their votes, or it would have died.

And they both were heavily involved, not only when it was denied, but when Edison...in fact, it was Rim that said, "I want to go on the record..." because we'd gotten Henry Kendall who came out and talked about core meltdowns and nuclear accidents and all this, and Rim said, "I want it on the record that we're not making our decision to deny this plant, I'm not making it based on nuclear effects, I'm basing it on the damage to the ocean, the irreplaceable...it says, 'thou shall not kill,' and here you're sucking in billions and billions of larvae and millions of fish every day. You can't do that." And based on that, they turned it down.

And Edison said, "oh no, they based it on Kendall's talk about core meltdowns and China Syndrome and so forth." And unfortunately both Rim's testimony and Ellen and others that said, "no, I'm talking about marine effects, not of radiation and nuclear safety." That was all blocked. And they brought it back to them for reconsideration.

And Rim was there to watch the sell-out of the commission under huge pressure. And it was a terrible time, a time that destroyed a lot of people, literally, that never recovered, several that went to the South Seas and climbed into a bottle and never were heard from again. It was a tough time.

But when we finally were forced to find a settlement that included the power plant getting licensed, one of the things that came along with it was there would be a committee that would do a study that would recommend such things up to and including going to cooling towers and disconnecting the plant from the ocean, will study these effects and either prevent them or mitigate them. And so this five-year—\$85 million doesn't sound like a lot of money these days—but in those days, it was a big study, undoubtedly the biggest study that has ever been done on marine impacts. And, of course, we appointed Rim to be our representative. And Edison had someone, and the Coastal Commission had a third person that ran this and did this exhaustive look at just exactly what single-pass cooling does to the ocean.

And largely based on that was the rulings the Environmental Protection Agency on waivers from requirement to go away from single-pass cooling. So he's played a huge role in the use...he was one of the first...

JB: This is about to come up again.

DM: They're coming up again. We're back where we were in the 70s, all over again. And another one that was up at the time that Rim played a huge role in was the idea of using the ocean as a source of water, coupling desalination plants to power plants that was killed when he was on the Coastal Commission, back in those days. Rim was the one that really provided the science. Everybody knew that if Rim said something was...it was quite true. It wasn't like other opinion that they were getting from universities that was paid for by Edison, and/or in this case by private water companies that wanted to privatize water for California development. It didn't happen because Rim was in a position to steer things another way. And again, because of his integrity, the man was...you knew that whatever he said was not only the unvarnished truth, but was documentable and would stand up in court.

JB: That's a very important...

DM: That's a really important thing. Gets me into a lot of trouble when I think that other folks are as dependable as Rim was, and take on big battles that you find out it was wishful science instead of hard science that it was based on.

JB: You get down to the crux of it and there's no hard data that you can base it on.

We did not say at the beginning that Rim's Ph.D. is in biochemistry from UCLA and he also did post doctoral work at USC.

DM: He also met Janet there.

JB: His wife.

DM: Yes, who is just a delightful lady who I haven't seen for...how long since they were divorced, 40, 50 years? Long time ago.

JB: Well, we're in the last few minutes of this portion of this interview. Viewers, we'll be doing a second interview with Don about Rim and we invite you to come back and join us for that interview. You'll see information on the screen following this where you can contact us for information if you would like to see the time and date for the second interview. Thank all of you for joining us. We appreciate your spending the time with us.

[end of interview]
29 min.