

United States Senate

WASHINGTON, DC 20510-2602

INTERNET:
max@baucus.senate.gov
<http://baucus.senate.gov>

July 6, 2011

The Honorable Lisa P. Jackson
Administrator
US Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, District of Columbia 20460-0001

Dear Administrator Jackson:

Press reports appeared this week about the Environmental Protection Agency's lack of oversight regarding potentially toxic bark and woodchips in Libby, Montana. According to these reports, EPA was aware of potential asbestos contamination and neglected to determine the degree to which these wood chips posed a risk to public health. Truckloads of the woodchips were subsequently distributed as lawn décor and fill material throughout Libby in city parks, backyards, schools, and other unknown destinations.

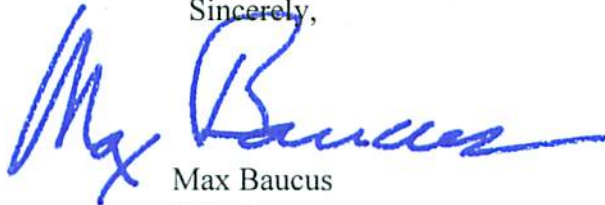
This is unacceptable. You know well how the people of Libby have suffered for asbestos. I cannot convey to you how damaging this incident is to a community whose trust has already been betrayed many times. Libby deserves answers and accountability.

When the EPA found asbestos fibers in the woodchip piles in 2007, the agency should have immediately determined the severity of the contamination before allowing the wood chips to be spread across yards in Libby. I urge you to supply answers to the following questions as soon as possible:

- When was the original toxicity report completed, and what was the level of toxicity of the woodchips?
- If EPA determined that further analysis was warranted, why was no further analysis completed and why were the wood chips allowed to be distributed?
- When the EPA became aware of the potentially toxic results of the bark and woodchip piles located at the mill, why was no further action taken?
- When did EPA become aware that the wood chips were being distributed?
- Upon an internal investigation of EPA's actions, how will EPA plan to trace the truckloads of woodchips and, if necessary, implement a recall order?
- Has EPA conducted a full analysis of the mill site, structures, and soils to determine what, if any, level of remediation is necessary to protect public health from asbestos contamination as well as other forms of contamination common at former mill sites?
- In addition, please release all agency correspondence, memos, and decision documents pertaining to this issue.

Since 2000, when Libby was declared an EPA Superfund site, asbestos has contaminated numerous waterways and soils and claimed the lives of hundreds of Montanans. Despite recent progress, including valuable work by your agency, asbestos continues to inhibit economic growth, damage public health, and plague community morale in northwestern Montana. It is imperative this issue be laid to rest so that yet another set of reopened wounds can begin to heal. Your immediate attention to this matter is critical. I look forward to a timely response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Max Baucus". The signature is fluid and cursive, with the first name "Max" written in a larger, more prominent script than the last name "Baucus".

Max Baucus
U.S. Senator