

POSITION STATEMENT
IC STEERING COMMITTEE AND CITY-COUNTY BOARD OF HEALTH
OPERATION AND MAINTENANCE (O&M) PHASE, LIBBY ASBESTOS SUPERFUND SITE
January 2018

Statement:

Indiscriminate protection of human health and the environment will serve as the universal criterion for all O&M related actions and activities. Further, property owners will not bear the cost of any future issues related to the Libby Asbestos Superfund Site. Support of or participation in O&M elements will be based on this position.

Summary:

The fundamental principle that will guide all actions is protection of public health. This includes maintaining the remedy at the site to ensure it remains protective of human health and the environment. Further, the principle will not be discriminately applied based, for example, on property type, prior history or participation in programs.

Prior clean-up actions, and inactions, and the overall selected remedy have focused on reducing or managing exposure, not overall removal of contaminants. Such partial clean-up measures are deferred remedies, prompted by specific circumstances at the individual properties. Future conditions at properties are not static, and O&M must accommodate the realities of continued property use under any circumstance.

To support the fundamental principle, O&M elements must not require property owners to bear the cost of any issues in the future that relate to Libby Asbestos Superfund Site. Cost to property owners in O&M should be no different than during the active clean up phase. Realistically, the public health needs are no different in O&M than in the active remediation phase. The realities of public health protection, property usage, and owner cost burdens do not change magically at the moment the O&M phase begins, nor erase the Public Health Emergency declaration. The realities of cost and responsibility are unchanged.

A drastic change (reduction) in funding support, particularly shifting the burden to the property owner, is inconsistent with expectations that the remedy can be maintained. Impetus to shift financial responsibility is arbitrary, and should not be driven by the programmatic boundaries that are transitioned from the clean up to O&M phase. The close of the active clean up phase is a recognition that the level of activity is diminishing, thus not warranting continued full time presence of oversight and contract personnel. While the frequency of clean up actions may diminish, the community needs will continue. An oft used phrase is that X number of properties have been cleaned up. This is an erroneous statement of finality. Exposures have been mitigated for now, but the remedy is deferred.

Entities assuming responsibility for O&M, i.e., DEQ and Lincoln County, must have assurance of adequate financial support including unused investigation and remediation funds. O&M should be viewed realistically as a continuation of the deferred remediation activities under a different banner.

Anything less than adherence to the the above position and principles is inconsistent with long held commitments to the community, and is not credible. Further, deviation from this policy during O&M would have disproportionately high and adverse human health or environmental effects on the low-income population that dominates the Site boundaries.

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Institutional Control Steering Committee:

Recommendation for City-County Board of Health Approval:


George Jamison, Chair

4 Jan 2018
Date

City-County Board of Health:

Approved:


Jan Ivers, Chair

10 January 2018
Date