

**DRAFT LETTER, FOR DISCUSSION
LASOC MTG JUN 27, 2025**

Cyrus Western, Administrator
US EPA, Region 8
1595 Wynkoop Street
Denver, CO 8020-1129

Re: Libby Asbestos Superfund Site
OUs 4&7- Five Year Review, Delisting
Sitewide- Public Health Emergency

Dear Sir:

The Libby Asbestos Superfund Oversight Committee (LASOC) was created by the Montana legislature to provide strong local input and oversight of activities at the Libby Asbestos Superfund Site in collaboration with Montana DEQ. LASOC is comprised of a Lincoln County Commissioner, a State Senator and a Representative, a Citizen representative, and the Director of the Montana Department of Environmental Quality (DEQ). (Consistent with the intent of LASOC to provide a strong “local” voice and also to preserve the Director’s role to independently voice DEQ opinions, this letter represents the position of LASOC’s Lincoln County representatives.)

Beginning last year with the solicitation of comments by your staff regarding the upcoming FYR for OUs 4&7 (Libby and Troy communities), input has been provided by many. The FYR and other topics have also received attention by LASOC. We are very concerned about the outcome of the FYR, and other topics relating to the future of the Site.

Five Year Review

Briefly stated, we believe that the only credible outcome of the FYR evaluation of ongoing protectiveness to human health and the environment is a determination that *“Protectiveness cannot be determined until further information is obtained.”*¹ The existing remedy (clean up and O&M) were based on now outdated material.² Question C in your Guidance document asks *“Has any other information come to light that could call into question the protectiveness of the remedy?”* The only objective answer is clearly “Yes”.

Continuing research has clearly identified additional health impacts, especially correlation of LA exposure and autoimmune diseases, not known or considered 10+ years ago. Your staff was provided comments in November 2024 detailing this concern.

¹ From EPA “Comprehensive Five-Year Review Guidance”, OSWER No. 9355.7-03B-P.

² 2014 Toxicological Review of LA and 2015 Site-Wide Human Health Risk Assessment

Secondly, the previously unpublished “Pre-Assessment Screen (PAS) Report for a Natural Resource Damage Assessment (NRDA)” conducted in 2021 was made available to your Agency early this year. This report completed for USGS/FWS included review of the Baseline Ecological Risk Assessment (BERA) concluded for the Site, with emphasis on OU 3 (mine site) and concluded that the (then 10 year old) BERA “*should not be considered due diligence in the evaluation of the potential ecologic impact of LA*”.

Consideration of either of these “*other information*” sources related to human health and the environment is sufficient to warrant a “yes” answer to Question C, and collectively are irrefutable. Documentation of both above responses to Question C were provided to the Agency in a timely fashion during the input period.

The cited protectiveness determination we support (“protectiveness cannot be determined...”) is required by your Guidance to include a timeframe for the completion of the protectiveness determination based on the new information.

We are fully cognizant of the effort (funds and time) it will take to fully reexamine the more recent science, and to carry that forward with an updated risk assessment for both human health and the environment. To ignore this need is not protective and would be directly contradictory to the purpose of the FYR. It should be expected that the body of knowledge regarding LA is growing, and will continue. Long term planning for this Site (hindsight now) was deficient in not recognizing this inevitable reality, and making detailed provisions to address it with resources. That lack of foresight does not erase or diminish the need.

We will be supportive of EPA in funding efforts, whether from public funds, Site remediation funds, or from the PRP. It should also be recognized that if the upcoming Feasibility Study results for OU 3 rely on dated information and assessments, then it too will be subject to the same concerns, scrutiny and criticism.

(The FYR Guidance, Question A, also queries “*Is the remedy functioning as intended by the decision documents?*” While we are generally pleased with the ongoing Operation and Maintenance activities, and appreciative of the EPA/DEQ support, the Lincoln County Asbestos Resource Program (ARP) and DEQ are noting more incidents requiring support of property owners, including emergency removals, than were anticipated by the Agency. While the answer to Question A is generally “yes”, the frequency of encountering the need for assistance from things that were missed during the remediation is significant. That too promotes increased uncertainty about protectiveness.)

Delisting and Public Health Emergency

Given especially these concerns related to our lack of confidence in knowing definitively whether the remedy is protective, we are even more firmly opposed to delisting of OU 4 and 7, and to any consideration of rescinding the public health emergency, even if all of the OUs were remediated.

In closing, we recognize the strong desire by EPA to close out the Libby Asbestos Site. We too in the community want it to be a closed chapter, but only in the context of knowing in perpetuity that the remedies for all of the OUs are protective. However, the complexity of understanding and addressing the LA exposure issues is not static. We must be responsive to this dynamic. Better understanding and quantification of risk for the Site also benefits those beyond the Libby Site and across the US and who encounter LA and similar asbestos fibers.

We are reminded of the efforts and courage it took some 25 years ago for the regulatory community and political leadership to step up to the challenge of this Site. It would be nice for everything to be done, and finished, at least for the OUs where remediation was conducted. But that is not the reality. Complacency and “fatigue” now are no excuse for failing to do what is right. As representatives of the communities here in Lincoln County, we must be diligent and remind EPA (and ourselves) that our guiding principle must be protection of human health and the environment. That confidence is now in question, and we need to be on a course to address it, not ignore it. Thank you for your attention to this matter.

Respectfully,

Brent Teske,
Chair of LASOC,
and for Sen Cuffe, Rep Millett and George Jamison

Cc:
Director, DEQ (also LASOC member)
Lincoln County Commissioners
Lincoln County Board of Health
Lincoln County Health Department
City of Libby, Mayor
City of Troy, Mayor
Sen Daines
Sen Sheehy
Rep Zinke