

United States Senate

WASHINGTON, DC 20510

August 18, 2010

Mr. Arthur A. Elkins, Jr.
Inspector General
Environmental Protection Agency
Office of Inspector General
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Elkins:

We are writing to ask that you investigate the adequacy of the Environmental Protection Agency's (EPA) efforts identifying and communicating the risks of potential asbestos exposures in Libby, Montana. The EPA is implementing a complex, multi-year, and expensive cleanup at the Libby Superfund site. We are concerned that the development and implementation of site cleanup plans may not fully address the potential exposure risks at the site nor communicate those risks to the public. Effective risk communication by the EPA must provide accurate and timely information on potential exposures before, during and after cleanup operations. Risk communication is a critical element of ensuring the protection of current and future generations of Libby residents.

The Libby Superfund Site was added to the National Priorities List of contaminated sites in October 2002 and was declared a public health emergency on June 17, 2009. The EPA is conducting significant remedial action activities to address asbestos contamination throughout the community. The EPA has divided the site into separate Operable Units (OUs), and is generally proceeding with final cleanup plans at certain non-residential areas first. A site-wide risk assessment has not yet been completed, in part because final Libby Amphibole-specific toxicity values are currently under development.

Despite the lack of final toxicity studies and risk assessments, the EPA finalized Records of Decision (RODs) for OUs 1 and 2, which include the City's Riverfront Park, in May 2010. The selected remedies include removing and/or capping asbestos in place, breaking exposure pathways and thereby reducing future potential risk for exposure. Although specific human health risk assessments were conducted for OUs 1 and 2, those assessments did not include the final toxicity values described above. Therefore, the selected remedy does not contain specific cleanup action levels and relies in large part on periodic EPA reviews to evaluate the effectiveness of the remedies. The remedy reviews include determining whether new information concerning toxicity factors is available and, after the site-wide risk assessment is completed; revisiting and as needed modifying institutional controls (ICs). If, during the reviews, the EPA identifies unacceptable exposures are occurring, the EPA will take necessary actions including conducting additional excavation, improving covers, and/or strengthening ICs.

The City of Libby scheduled multiple public events at Riverfront Park through the summer of 2010. Community members raised significant concerns about whether the park areas are safe for such uses, based on the progress and conduct of the cleanup. We understand that cleanup activities are ongoing and that protective reuses can occur before cleanup is complete but protective reuse requires that any potential health risks associated with the cleanup are fully communicated to the community. Specifically, regarding Riverfront Park, the absence of quantitative, risk-based cleanup levels in the selected remedy and a significant reliance on soil containment and ICs requires that the EPA continuously and vigilantly ensure that no new exposures are occurring and that users of the Park are aware of any potential hazards.

In addition to the concerns discussed above, Libby residents have identified issues with the EPA and the EPA contractor cleanup activities that may be, in part, the result of inadequate risk communication. We request that you look into:

- The timing and adequacy of EPA responses to inquiries from community members,
- The EPA's response to complaints regarding siting, operation and safety of a construction equipment yard in a residential neighborhood,
- The EPA's response to positive results of Activity Based Sampling in Libby schools, and
- The EPA's communication of the results of air sampling events over the past two years.

Thank you in advance for pursuing this investigation as soon as possible. We look forward to reviewing your findings as soon as they are available.

Sincerely,



Max Baucus
United States Senate



Jon Tester
United States Senate