

# United States Senate

WASHINGTON, DC 20510

October 11, 2012

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

Dear Administrator Jackson:

We have spoken many times about the importance of the Environmental Protection Agency's work at the Superfund site in Libby and Troy, Montana. Three years ago, you took a critical and long-overdue step by declaring the site a public health emergency. It was the right thing to do, and you didn't hesitate to do it.

We have also discussed how essential it is for EPA to conduct a transparent and thorough cleanup of Libby and Troy. A fundamental challenge of the cleanup from the start has been the lack of a toxicological assessment of Libby Amphibole asbestos. Given the unique characteristics of Libby Amphibole, this scientific gap has frustrated any conclusive answer to the question of how clean is clean enough, especially with respect to noncancer illnesses. Montanans, knowing the level of asbestos contamination in the area, could not in good conscience wait for completion of the science before beginning the cleanup. Yet we have waited for a decade for the science to catch up.

This fall, we are at last approaching the completion of the toxicological assessment. In August 2011, EPA released a draft assessment of the cancer and noncancer health hazards and exposure-response of Libby Amphibole. EPA's Science Advisory Board, a public advisory committee that provides you with extramural scientific information and advice, has been reviewing the draft assessment all year.

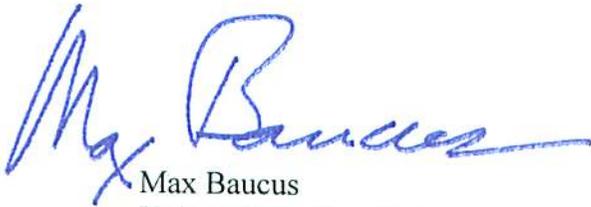
We write to urge you to follow the science, wherever it leads. And it appears to lead to a rigorous standard for exposure to Libby Amphibole. Whatever the state of cleanup at Libby and other contaminated sites around the country, we must face the reality of how toxic Libby Amphibole really is.

More specifically, we request—following the counsel of the Science Advisory Board—that you strengthen the uncertainty assessment for the inhalation reference concentration in the draft assessment. In particular, EPA should conduct additional sensitivity analyses, prepare a comparison of other datasets and cohorts, and increase the use of transmission electron microscopy to identify and count asbestos fibers. In the same spirit, we request that you conduct an integrated and comprehensive analysis of the uncertainty associated with deriving the inhalation unit risk for mesothelioma and lung cancer. Quantifying to the greatest degree possible both discrete and joint sources of uncertainty will only improve the application of the toxicological assessment.

Finally, we were acutely troubled by the response of W.R. Grace to the Science Advisory Board's review. In our opinion, Grace lost the privilege to opine on the science of asbestos when it knowingly—and for decades—traded profits for lives in Lincoln County. We are not surprised to find Grace trying to cloud the science or hide behind the speculative liability of other property owners. But we take this opportunity to call a spade a spade, and a snake a snake.

Thank you again for your commitment to the health of the citizens of Libby and Troy. We look forward to the completion of a toxicological assessment that takes into full account the input provided by the Science Advisory Board.

Sincerely,

A handwritten signature in blue ink that reads "Max Baucus". The signature is fluid and cursive, with the first name "Max" being particularly prominent.

Max Baucus  
United States Senator

A handwritten signature in blue ink that reads "Jon Tester". The signature is fluid and cursive, with the first name "Jon" being particularly prominent.

Jon Tester  
United States Senator