

Date: May 9, 2002 Exhibit 13



APR 25 2002

LEGISLATIVE ENVIRONMENTAL  
POLICY OFFICE

**MEMO**

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**TO:** Larry Mitchell, Environmental Quality Council  
**FROM:** HJ29 – Asbestos Assay Task Force  
**DATE:** April 24, 2002  
**SUBJECT:** Annual Progress Report

*Bob Haback*

On April 20, 2001, Secretary of State Bob Brown requested the Department of Environmental Quality (Department) to consider House Joint (HJ) Resolution 29. The resolution reads as follows:

*A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY ESTABLISH A TASK FORCE TO DEVELOP AN ASSAY METHOD FOR THE MEASUREMENT OF ASBESTOS TO ASSIST IN THE ESTABLISHMENT OF AN AMBIENT AIR STANDARD BASED ON HUMAN HEALTH RISKS FROM CHRONIC EXPOSURE TO ASBESTOS.*

Activities were requested of the Department, University system, and Montana's Congressional delegation. The following constitutes the first of two annual progress reports made by the Department regarding efforts made toward achieving the goal of developing an asbestos assay methods that could assist in the development of ambient air standards for asbestos. Progress made for each activity is outlined below:

**Activity #1:** That the Department of Environmental Quality be urged to establish and oversee a task force of health and environmental officials and scientists from the State of Montana, federal health and environmental agencies, and the Montana University System and of other interested persons, with the goal of developing a credible scientific method to measure airborne asbestos that would assist in the development of an ambient air standard for asbestos based on the human health risks from chronic exposure.

**Progress Made:**

- August 13, 2001 – Initial task force meeting to develop and implement asbestos assay method.
- November 16, 2001 – Second meeting to brief task force members on solicitation for proposals from University researchers by the Department of Environmental Quality (Department). Task force decided upon a proposal submittal date of January 1, 2002, followed by a 30-day review and comment period to include a tour of University facilities

- and external peer review of proposal by recognized experts, and by March 1, 2002 have proposals ready to solicit assistance from Montana's Congressional Delegation for funding.
- February 6, 2002 – Third meeting to review Montana State University (MSU)-Bozeman research proposal. It was determined that the MSU proposal was adequate to forward for Congressional Delegation solicitation of funding. The University of Montana (UM) was notified that they missed the deadline for proposal submittal.

**Activity #2:** That the Department, with the active participation of the task force, be urged to aggressively pursue and solicit funding to support this effort, to act as a clearinghouse for current and future research on the subject, and to distribute any grants and funds received by the Department.

**Progress Made:**

- Pursuit of funding will take place through the solicitation of assistance from the Congressional Delegation following receipt of final assay proposals.
- Knowledge of relevant research on this subject was determined to be held collectively between Department and the University researchers due to the quantity and breadth of the subject matter.
- Personal contacts have been established between the Department and members of the University system to streamline future research on the subject.

**Activity #3:** That the University system be urged to participate in and provide the scientific research that would achieve the goals of this resolution.

**Progress Made:**

- August 14, 2001 - Department began solicitation of proposals from the University system. Specifically, MSU, Montana Tech (Tech), and UM. Two proposals were anticipated to be received by the Department. One from MSU and one from a collaboration between UM and Tech. Contact person for MSU is Recep Avci; for UM is Andrij Holian, and for Tech is Kumar Ganesan.

**Activity #4:** That the members of Montana's Congressional Delegation be urged to assist the Department in providing federal resources, funds, and guidance to the task force, recognizing that the knowledge gained from the Libby experience can be of significant value to the entire nation.

**Progress Made:**

- April 2, 2002 – Governor Martz' Chief of Staff Barbara Ranf forwards request to Senator Conrad Burns to solicit research funding for the MSU proposal in the amount of \$935,721.

**Activity #5:** That, for the next two years, the Department provide the Environmental Quality Council with an annual progress report on efforts made toward achieving the goal of developing an asbestos assay method that could assist in the development of ambient air standards for asbestos.

**Progress Made:**

- April 24, 2002 - First progress report was presented to Larry Mitchell of the Environmental Quality Council. Further information is available from any Task Force member below:

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

Bob Habeck - 444-7305  
Elton Erp - 444-5282  
John Podolinsky - 444-2690

**MONTANA ENVIRONMENTAL INFORMATION CENTER**

Anne Hedges - 443-2520

**ATTACHMENTS**

Attachment #1	House Joint Resolution 29 – 57 <sup>th</sup> Legislature
Attachment #2	Montana State Asbestos Assay Proposal
Attachment #3	Barbara Ranf Letter to Senator Burns

cc: Jan Sensibaugh w/o attachments  
Curt Chisholm           "  
Art Compton           "  
Steve Welch           "  
Bob Raisch           "  
Don Vidrine           "  
File 4.2  
Reading File

## 1 HOUSE JOINT RESOLUTION NO. 29

2 INTRODUCED BY E. CARNEY

3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA REQUESTING THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY ESTABLISH A TASK  
6 FORCE TO DEVELOP AN ASSAY METHOD FOR THE MEASUREMENT OF ASBESTOS TO ASSIST IN THE  
7 ESTABLISHMENT OF AN AMBIENT AIR STANDARD BASED ON HUMAN HEALTH RISKS FROM CHRONIC  
8 EXPOSURE TO ASBESTOS.

9

10 WHEREAS, the residents of Libby, Montana, have been afflicted with health concerns and human  
11 mortality resulting from occupational and secondary exposure to tremolite asbestos fibers discharged into  
12 the environment by the mining of vermiculite at the nearby W.R. Grace mine facilities; and

13 WHEREAS, considerable research is currently underway in Libby by several state and federal  
14 agencies to analyze the threat to human health and the environment from asbestos; and

15 WHEREAS, there is currently no federal or state ambient air standard established for identifying  
16 a safe level for the chronic exposure of humans to airborne asbestos fibers; and

17 WHEREAS, the federal Environmental Protection Agency is in the process of developing a  
18 particulate sampling method and protocol for measuring fine airborne particles that may also be useful in  
19 developing an assay method for airborne asbestos fibers and ultimately useful in establishing an ambient  
20 air quality standard or guidance threshold based on human health risk and exposure; and

21 WHEREAS, the Montana University System can provide the intellectual and technical capability to  
22 assist in the development of an asbestos assay method that would significantly contribute to the further  
23 scientific understanding of the risks of asbestos exposure and assist in the development of an ambient air  
24 standard for asbestos.

25

26 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
27 STATE OF MONTANA:

28 (1) That the Department of Environmental Quality be urged to establish and oversee a task force  
29 of health and environmental officials and scientists from the State of Montana, federal health and  
30 environmental agencies, and the Montana University System and of other interested persons, with the goal

1 of developing a credible scientific method to measure airborne asbestos that would assist in the  
2 development of an ambient air standard for asbestos based on the human health risks from chronic  
3 exposure.

4 (2) That the Department, with the active participation of the task force, be urged to aggressively  
5 pursue and solicit funding to support this effort, to act as a clearinghouse for current and future research  
6 on the subject, and to distribute any grants and funds received by the Department.

7 (3) That the University System be urged to participate in and provide the scientific research that  
8 would achieve the goals of this resolution.

9 (4) That the members of Montana's Congressional Delegation be urged to assist the Department  
10 in providing federal resources, funds, and guidance to the task force, recognizing that the knowledge  
11 gained from the Libby experience can be of significant value to the entire nation.

12 (5) That, for the next 2 years, the Department provide the Environmental Quality Council with an  
13 annual progress report on efforts made toward achieving the goal of developing an asbestos assay method  
14 that could assist in the development of ambient air standards for asbestos.

15 BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the  
16 Montana Congressional Delegation, the Commissioner of Higher Education, the Presidents of Montana  
17 State University-Bozeman and the University of Montana-Missoula, the Mayor of Libby, the Director of the  
18 Montana Office of the Environmental Protection Agency, and the Director of the Department of  
19 Environmental Quality.

20

- END -

**OFFICE OF THE GOVERNOR**

**STATE OF MONTANA**

**JUDY MARTZ  
GOVERNOR**

**STATE CAPITOL  
PO Box 200801  
HELENA, MONTANA 59620-0801**



April 2, 2002

The Honorable Conrad Burns  
United States Senate  
Room 183 Senate Dirksen Office Bldg.  
Washington, D.C. 20510  
Attn: Will Brooke, Chief of Staff

Dear Will:

Enclosed are copies of the State of Montana Governor's Office federal priorities that were e-mailed to you earlier, along with additional background materials for some of those issues.

We appreciate any assistance and guidance you can provide us in ensuring these and other issues important to Montana are addressed in federal appropriations and policies. Please let me know whenever you have questions or need for additional state information.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Ranf", written over a horizontal line.

**BARBARA RANF  
Chief of Staff**

Enclosure

State of Montana  
Federal Legislative Priorities  
Governor Judy Martz

March 20, 2002  
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Result: *Statewide Radio Plan; Local Pilot - Funding Proposal*

### **AMTRAK FUNDING**

Cuts in Amtrak funding could result in reduction of services to Montana. Always on the top of the Amtrak list for cuts is the route going across the hi-line. We have previously sent you a letter addressing Amtrak funding and ask for your support.

### **AMBIENT AIR STANDARD FOR ASBESTOS**

In response to concerns about how to evaluate asbestos exposure to the people of Libby, the Montana legislature directed the Montana Department of Environmental Quality to develop a method to use in developing an ambient air standard for asbestos. A task force has put together a proposal for how this could be done and is not seeking funding for the effort. This is not only important for Libby, but for the country. The draft proposal will be provided separately. This study would require approximately \$935,721 in funding from the EPA or other federal source.

### **TOTAL MAXIMUM DAILY LOAD**

The State of Montana, Department of Environmental Quality, needs to implement a long-term nutrient monitoring program on the Bitterroot River to provide a mechanism to gather credible data for the state's Total Maximum Daily Load (TMDL) program. It will also provide a forum for the groups in the watershed to come together to develop a long-term water quality management plan in the Bitterroot. Overall cost of the three-year project is \$21,960. Additional information is provided separately.

### **PUBLIC WATER SUPPLY RIVER INTAKES**

With Montana's continuing drought, many public water supply river intakes have problems. The State of Montana proposes a study through the Department of Environmental Quality to design an intake that will remain functional during low water. Problem -- Public water supply river intakes are being dewatered or silting in during periods of drought. This can also be a problem at other times due to normal river migration and due to man made modifications such as bridges, flood control structures, irrigation diversions, etc. Montana's proposal is to study the Yellowstone River from above Laurel to below Billings. This stream reach includes five public surface water supply diversions, large irrigation diversions, bridges, riprapping, and five large industrial diversions. Design an intake that will remain functional during low water and will not be subject to plugging from siltation, freezing in winter, or dewatering due to river migration. Construct one intake at one of the public water supply intakes for demonstration. This will obviously require an innovative design. Cost: Study and Design - \$100,000. Construction - \$100,000 to \$1,00,000 depending on size and type of design (and funding available).