



For Immediate Release
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**Floor Statement of Senator Max Baucus (D-Mont.)
Regarding Coverage for Individuals Exposed to Environmental Health Hazards
in the Senate Health Care Reform Bill
(as prepared for delivery)**

Mr. President, I want to take a few moments to talk about a provision in this package about which I am particularly proud. It would finally follow through on the Federal Government's responsibility to provide screening and medical care to residents at Superfund public health emergency sites.

The term "public health emergency" is defined by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, or CERCLA. People call that the Superfund law. That law reserves the designation of "public health emergency" for the most hazardous Superfund sites. These are sites where the release or potential release of a hazardous substance rises to a level of an emergency.

When a public health emergency is declared, the law requires the Secretary of Health and Human Services to provide screening and medical care services to people who have been exposed.

But, to date, the Government has not created a mechanism to allow the Secretary to deliver the screening and medical care required under current law.

The bill before us today finally provides that mechanism.

First, it authorizes a grant program for screening services. This screening would determine if a medical condition is present that is attributable to an environmental exposure.

Then it allows those individuals with a diagnosed medical condition due to the environmental exposure at the site to get Medicare services.

It establishes a pilot program to provide additional medical care appropriate for the residents of the Superfund site at Libby, Montana. This language responds to Libby's rural nature and lack of access to traditional care.

This provision is important because it will provide vital medical services to Americans who — through no fault of their own — have suffered horrible effects from their exposure to deadly poisons. It will provide the vital medical services we owe these Americans under our commitment in the Superfund Act.

And this provision is particularly important to me for a very special reason.

The Environmental Protection Agency currently has 1,270 sites designated where pollution and contamination present a danger to public health or welfare. But throughout the history of the program, the EPA has found only one site where conditions are so severe, and the contamination is so pervasive, that it warranted the declaration of a “public health emergency.”

That declaration occurred on June 17 of this year. EPA Administrator Jackson found that a public health emergency exists at the Superfund site in Libby, Montana.

Many Senators have heard me speak about Libby before. Libby, Montana, is a beautiful little town in northwestern Montana.

It is surrounded by millions of acres of Federal forest lands. It appears to be an idyllic spot. It is home to families of all ages. It’s a place where people spend their lives, creating a sense of community not often found in our country today.

Libby is also a Superfund site. It is a place where hundreds of people have grown sick and died due to the pervasive presence of asbestos spewed from the vermiculite mining and milling operations of W.R. Grace.

Gold miners discovered vermiculite in Libby in 1881. In the 1920s, the Zonolite Company formed and began mining the vermiculite.

In 1963, W.R. Grace bought the Zonolite mining operations. The mine closed in 1990.

The EPA first visited Libby in 1999. In October 2002, EPA declared it a Superfund site. Clean-up has begun. But we have a long way to go.

For decades, the W.R. Grace operation belched 5,000 pounds of asbestos every day into the air in and around Libby. Deadly asbestos coated the town and its inhabitants. People used raw vermiculite ore or expanded vermiculite to fill their gardens, their driveways, the high school track, the little league field, and in their attics.

Mineworkers brought dust home with them on their clothing. They contaminated their own families, without knowing that the dust was poison.

Mine wastes containing tremolite asbestos was widely distributed throughout southern Lincoln County for use as fill material and as a soil conditioner. Asbestos was everywhere in Libby, for decades.

The type of asbestos in Libby is particularly deadly. The tremolite asbestos fibers found there quickly find their way into victim's lungs and stay there. They are a time bomb waiting to strike.

The effect on Libby has been severe. Today, we know that nearly 300 residents of Libby have died. Thousands more have become sick with asbestos-related disease.

Lincoln County, Montana, home to Libby, has the highest age-adjusted death rate due to asbestosis in the entire nation.

Libby is an isolated community with limited access to medical care. The median household income in Libby in 2007 was about \$30,000.

It is this combination of devastating characteristics that led the EPA Administrator in June to find that a public health emergency exists at the Libby Superfund site. This finding was based on years of work, having originally been recommended by the EPA in 2001.

EPA has never before used this authority. And the Agency indicates that there are currently no sites on the National Priorities List that come close to the conditions at Libby.

It's worth highlighting a few parts of the Administrator's finding. The Administrator said:

"The Libby Asbestos Site is unique with respect to the multiplicity of exposure routes, the cumulative exposures experienced by community members, and the adverse health effects from asbestos exposure already present and documented in the residents.

"Investigations performed by the Agency for Toxic Substances and Disease Registry (ATSDR) have found hundreds of cases of asbestos-related disease in this relatively small community. ATSDR documented a disease and death rate from asbestosis in the Libby area significantly higher than the national average for the period from 1979–1998. The occurrences of disease are not limited to vermiculite facility workers or their families, but are spread throughout the population.

"Medical care in Libby has historically been limited due to Libby's isolated location and economic situation, thus reducing the chance of early detection and treatment of asbestos-related disease."

This piece bears repeating:

“Medical care in Libby has historically been limited . . . thus reducing the chance of early detection and treatment of asbestos-related disease.”

Essentially, the lack of access to health care services in Libby has actually worsened the effects of this contamination.

The language before us today helps to solve this problem. It allows us to fulfill the commitment that we made to the people of Libby when we passed the Superfund Act, 30 years ago.

And, heaven forbid, if, in the future, another Superfund site like Libby emerges, the bill before us today will allow the Secretary to use the authorities in this provision to fulfill our commitment to provide health care services for those residents, as well.

But I can never talk about Libby without remembering my friend, Les Skramsted. I first met Les in the year 2000 at a home in Libby, shortly after news reports attributed hundreds of deaths to asbestos exposure. Over coffee and huckleberry pie, Les watched me closely. He was wary. After his neighbors had finished telling me their stories, he came up to me.

Les told me, “Senator, a lot of people have come to Libby and told us they would help, then they leave and we never hear from them again.”

That night, I told Les that I would do all that I could. I told Les that I would not back down. I told him that I would not give up.

Les accepted my offer. And then he pointed his finger at me and said, “I’ll be watching, Senator.”

Les and I became friends. I relied on his counsel, his straightforward take on what was happening in Libby. I shined a national spotlight on Libby for Les, for all the residents of Libby, and, for that matter, any community wronged by greed.

I’m sorry to say that Les passed away from asbestos-related disease in January of 2007.

But I have not forgotten his words. I have not forgotten Les. I never will. I keep a photograph of Les on my desk to remind me of the promise that I made to Les and to the people of Libby.

This week, by adopting this provision, the Senate is joining me in keeping this promise, in fulfilling the commitment that we made in the Superfund Act, and in ensuring that the people of Libby, Montana, are not forgotten.

I thank my Colleagues, and I urge their support for the provisions in the Managers’ amendment.

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