

Congress of the United States
Washington, DC 20515

January 22, 2024

Mr. Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Dear Administrator Regan,

We write to express our opposition to the Environmental Protection Agency's (EPA) efforts to place the Cinnabar Mine Site in Valley County, Idaho on the National Priorities List (NPL). Idaho has a long and proud history of mining, and recognizes that many of the practices of the past still have effects today. Cinnabar is a good example that warrants further examination, but it is our belief that placement on the NPL is not justified and more detrimental to Idaho in the long run.

The State of Idaho has expressed concerns with this listing for several years and is not being respected by the EPA—namely Region 10—as an equal partner in this proposed significant change. As the State's concerns have not been addressed by the Agency, they remain as described by the State of Idaho previously, in addition to our own. In a prior letter to Governor Little, the EPA claimed that in meeting with local community leaders, non-governmental organizations, and the Idaho Congressional Delegation and representatives from our offices, no one opposed the change to the Cinnabar designation. However, a lack of outsized, outspoken opposition does not also immediately create adequate public support. Surely you can agree that a proposed change of this size cannot be made based on limited, curated approval. We concur with the Governor that a lack of either immense support or opposition warrants further public outreach. Idahoans take great care to participate in how our natural resources are managed, and a change as significant as a Superfund designation to be instituted without strong input from the public clearly points toward a lack of outreach.

The EPA's supposedly adequate public outreach actually selectively ignored many potentially impacted groups, such as several nearby communities and hundreds of individual property owners downstream of Cinnabar. This was further underscored when in doing our own due diligence, we found that many local communities are, in fact, opposed to this designation. The Cities of Donnelly and Cascade—both at Cinnabar's doorstep—sent letters of clear opposition to the designation. The Village of Yellow Pine Association (VYPA) wrote a letter to note they have taken no position but have a number of concerns about what a potential designation could mean for their community. It is extremely troubling that the EPA Region 10 failed to do very basic outreach to local communities. All three referenced letters are attached for your review.

In addition to selectively collecting public opinion on Cinnabar, EPA Region 10 has also intentionally ignored their responsibility to educate stakeholders on alternative options beyond placement on the NPL, such as additional removal actions, third party actions, and brownfield designation. More education and outreach is necessary so communities, businesses, landowners, and other interested parties are well informed as they weigh in on all potential solutions. It has not been made clear why placement on the

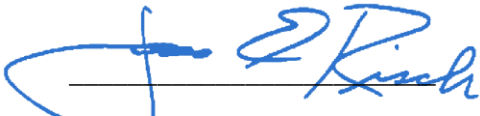
NPL is the only solution the EPA is weighing at the moment, when there are many other less drastic measures to be taken first.

It is also our understanding that funding from the Bipartisan Infrastructure Law will not cover newly added sites to the NPL, and that other existing measures have not generated sufficient revenue. This means should Cinnabar be listed, it may lack even sufficient resources to support it. Listing Cinnabar to the NPL without a plan to fund it is effectively unfairly yoking Idaho to an endless project with infinite financial liability.


EPA Region 10's seeming insistence for listing Cinnabar as a Superfund site, without properly collecting widespread public opinion, educating stakeholders, entertaining other alternative solutions, or identifying available funding, is completely destructive to entire communities and economies that rely on safe outdoor recreation in Valley County. We recognize that the NPL can serve an important role overall in the assessment and cleanup of dangerous sites. However, it is essential that we thoroughly explore all options for Cinnabar and seriously consider additional input from all affected communities before following this permanent and uncertain path.

We look forward to your response and your address to our concerns.


Sincerely,



James E. Risch
U.S. Senator



Mike Crapo
U.S. Senator



Russ Fulcher
Member of Congress