

August 14, 2023

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

Dear Administrator Regan,

I write to urge immediate action from the Environmental Protection Agency (EPA) to ensure that cleanup efforts are expedited for the Stillwater train derailment that occurred on June 24, 2023 near Reed Point, Montana.

The Montana Fish Consumption Advisory Board, made up of members of the Montana Department of Public Health & Human Services (DPHHS), Montana Department of Environmental Quality (DEQ), and Montana Fish, Wildlife & Parks (FWP) recently released a consumption advisory on all mountain whitefish caught in the Yellowstone River from Twin Bridges Road railroad bridge to the city of Laurel. Tests on whitefish caught downstream of the derailment site found phenanthrene, a member of the polycyclic aromatic hydrocarbons (PAHs) chemical group. While the EPA does not currently have enough data to classify phenanthrene as cancer causing in humans, other PAHs are known to cause cancer in animals.

While PAHs are naturally occurring, asphalt also contains phenanthrene and could be a source of contamination and was contained in the 10 railway cars that derailed in the Yellowstone River. The EPA has asked that the public report asphalt in or on the riverbank and oiled animals. According to the EPA, over 215,000 pounds of asphalt has been removed so far and teams continue to work to remove more as it is found. Additionally, creosote contains phenanthrene and the EPA continues to collect railroad ties and bridge decking that was treated with creosote. Given these multiple sources of possible contamination, it is imperative that the most up-to-date information is shared with the public so they are aware of exposure risks and that cleanup efforts are prioritized.

To that end, please address these questions:

- The most recent update from the EPA on the train derailment is from July 26 – August 1 and states that there is “currently no known threats to public health.” When will there be an update?
- The EPA’s July 28, 2023 update states that water quality testing ended on July 5, 2023. Given the contamination found in whitefish, what notifications will the EPA make to downstream water users? Will there be additional water testing done?

- What other tests is the Environmental Unit conducting to measure contamination in the river from the derailment? When do they expect to determine the total volume of asphalt material spilled?
- How is the EPA coordinating with and assisting the involved Montana state agencies to ensure that safety and contamination updates are shared across all platforms to ensure maximum public reach?

I urge you to do everything in your power to address the contamination of the Yellowstone River and to expedite cleanup efforts.

Sincerely,

A handwritten signature in blue ink that reads "Steve Daines". The signature is written in a cursive, flowing style.

Steve Daines
United States Senator