ROLL CALL 11 Present 1 Absent-Cindi Shaw

PRAYER AND PLEDGE John Sorich

APPROVAL OF THE MINUTES
May 5, 2021 Regular Meeting Minutes
Shawn Fredrickson makes a motion to approve the minutes, Bill Andersen seconds the motion.
11 yea 0 nay

ITEMS NOT Addressed ON THE AGENDA
Shawn Fredrickson Suspension of the Rules 2021-249 from Kristen Rosa, and makes a motion to place 2021-249 on the agenda. Bill Andersen seconds the motion.
11 yea 0 nay

CHIEF EXECUTIVE’S REPORT
J.P. Gallagher: Some tragic events last week with the M&M burning down as well as businesses who were affected. Positive light at the end of the tunnel. Commend the actions of our fire fighters. Leonard Hunter donated his crane to help take down the M&M sign. Justin Powers operating the excavator.
The vaccination sweepstakes will be moving forward.

PUBLIC COMMENT ON ANY ITEMS ON THE AGENDA- None

WRITTEN COMMENTS WELCOME:
public-input@bsb.mt.gov
None

SECTION 1: BID OPENINGS, PUBLIC HEARINGS, AND/OR PRESENTATIONS

PRESENTATION

1.COMMUNICATION NO. 2021-209
Ellen Crain, BSB Public Archives Director requesting Council of Commissioners concurrence to make a presentation at the May 19th, 2021 Council of Commissioners Meeting. The presentation will provide a report on the activities of the Archives/Chateau department for the year 2020.
Ellen Crain: Giving the 40th annual report for the Archives. The past year has gotten pictures and memorabilia with people bringing in things when cleaning out their houses.
With the closure last year, we were able to research more for people asking questions mainly about the location of bars.
We provide brown bag lunches twice a month and Ron Davis suggested that we move it to party-line.
We did 3 exhibits that were done on-line.
$46,000 in grants and posted 12 blogs and 34 publications
Aubrey Japp: hosted 3 exhibits, which were done on-line. Finish, German, and Hispanic communities.
Ellen Crain: This project will save everyone so much time and it is the Road Attribution Project. I am very proud of this and really an essential piece of knowledge.
Aubrey Japp: All nations project, two year project with Hispanic, Jewish, Germans who brought in their stories. KBM radio to collect 100 oral histories and almost have them all.
Humanities Montana gives the Archives several thousand dollars a year to promote Irish learning.
Jim McCarthy put 170 rolls of film on digital discs.
Frank Gardner collection had many items to do the Anaconda company.
Girl scout collection, entire library from Dr. Nivens.
Friends of the Archives, private non-profit.
Shea: Listened to the Podcast, on Death in the West. Thank you for all you do.
Gallagher: Thank you for all you do and it is an asset to our community.

SECTION 2: CONSENT AGENDA Segregations: Sorich 2021-241, Shawn Fredrickson 2021-217. Shawn Fredrickson makes a motion to approve the CA with the exceptions of above. Bill Andersen seconds the motion. 11 yea 0 nay

A. COMMITTEE REPORTS
1. COMMITTEE OF THE WHOLE MEETING REPORT
2. FINANCE & BUDGET COMMITTEE MEETING REPORT
3. PUBLIC WORKS COMMITTEE MEETING REPORT
4. JUDICIARY COMMITTEE MEETING REPORT

B. COMMUNICATIONS

1. COMMUNICATION NO. 2021-224
Ellan Crain, Public Archives Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Montana Museum of Art and Culture (MMAC) to host an exhibition of William A. Clark’s Art from May 24th through August 20th at the BSB Archives.
2021-224 Agreement
Concur and Place on File

2. COMMUNICATION NO. 2021-225
Ed Lester, BSB Sheriff requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the DUI Task Force FY 21-22 Annual Agreement. This Task Force is funded from one-half of the reinstatement fees from suspended licenses.
2021-225 Agreement
Concur and Place on File

3. COMMUNICATION NO. 2021-226
Doug Conway, BSB Law Enforcement Captain requesting Council of Commissioners authorization to apply for grant funding in reference to the Bureau of Justice Assistance US Department of Justice Bulletproof Vest Partnership (BVP) - FY 2021 Program.

Concur and Place on File

4.CCMMUNICATION NO. 2021-227
Linda Sajor, Clerk & Recorder requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a Records Destruction Document (RM88) for a series of records scheduled for disposal. These records are less than 10 years old and may be disposed of this year.

Concur and Place on File

5.CCMMUNICATION NO. 2021-228
Ed Banderob, 2601 Grant Avenue requesting Council of Commissioners to do whatever is necessary to establish the Butte-Silver Bow Council of Commissioner Chair position as a full-time position.

Concur and Place on File

6.CCMMICATION NO. 2021-229
Trevor Peterson, Arborist, Parks & Recreation Department requesting Council of Commissioners authorization to apply for grant funding in reference to the Department of Natural Resources & Conservation (DNRC) Montana Urban Forest Innovation Award program. Our 2021 application proposes an Edible Tree Planting project located at Basin Creek Park.

Concur and Place on File

7.CCMMICATION NO. 2021-230
Dori Skrukud, Greenway Project Manager requesting Council of Commissioners authorization to request time on your May 26, 2021 Committee of the Whole meeting to present an update on the Silver Bow Creek Greenway.

Hold in Abeyance

8.CCMMICATION NO. 2021-231
Karen Byrnes, Community Development Director requesting Council of Commissioners authorization to request time on your May 26, 2021 Committee of the Whole meeting to present information on the Uptown Master Plan.

Hold in Abeyance

9.CCMMICATION NO. 2021-232
J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence of the appointment of Mike Meanulty, 317 Anaconda Road, Butte MT 59701 to the BSB Health Study Advisory Committee.

Concur and Place on File

10.CCMMICATION NO. 2021-233
Bill Fisher, The Butte Depot requesting Council of Commissioners permission to hold a concert event on July 3, 2021 at the Original Mine Yard. We would allow 2 food vendors on site and The Butte Depot will cater the bar.

Concurrent Communication
Concur and Place on File

11. COMMUNICATION NO. 2021-234
Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a Memorandum of Understanding (MOU) between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department, governing the referral of HIV-positive clients from the Health Department to the Ryan White program.
2021-234 MOU
Concur and Place on File

12. COMMUNICATION NO. 2021-235
Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a contract amendment between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department for continued provision of reproductive health services in Butte-Silver Bow.
2021-235 Amendment
Concur and Place on File

13. COMMUNICATION NO. 2021-236
Karen Sullivan, BSB Health Officer requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a contract amendment between the Montana Department of Public Health and Human Services and the Butte-Silver Bow Health Department, providing additional funding to the department for COVID-19 vaccination planning.
2021-236 Amendment
Concur and Place on File

14. COMMUNICATION NO. 2021-237
J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence of the re-appointments of Jim Kennedy, 1825 Carolina, and John Amtmann, 1041 Steele Street Butte MT 59701 to the Fire Commission.
Concur and Place on File

15. COMMUNICATION NO. 2021-238
J.P. Gallagher, Chief Executive requesting Council of Commissioners to accept this letter as my formal request for your concurrence of the re-appointments of Ray Ueland, 8 West Park St., and Tim Dick, 17 South Main St. Butte MT 59701 to the Parking Commission.
Concur and Place on File

16. COMMUNICATION NO. 2021-239
Selina Pankovich, M&M Bar and Café requesting Council of Commissioners authorization to request a street closure on Thursday nights starting June 24, 2021 through August 26, 2021 from 6pm-9pm. I will be moving the event one block north between Granite and Broadway Streets.
2021-239 Agreements
Concur and Place on File

17. COMMUNICATION NO. 2021-240
City and County of Butte-Silver Bow
Lori Casey, Planning Director requesting Council of Commissioners to approve Communication No. 2021-182, a request from Geo Steele Co. to purchase City-County owned property located at 750 S. Wyoming.
Concur and Place on File

18.COMMUNICATION NO. 2021-241
Mark Neary, Public Works Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign an agreement with Deluxe Engineering for water main design services.
2021-241 Agreement
Concur and Place on File
Sorich: what makes them qualified?
Neary: Deluxe engineering is more than qualified and Sarah Jones has worked with DOWL and Pioneer. She does a lot of storm water designs
Sorich makes a motion to concur and place on file. Motion was seconded. 11 yea 0 nay

19.COMMUNICATION NO. 2021-242
Mark Neary, Public Works Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign two deductive change orders with Intermountain Construction Services for Landfill’s Cell IV construction project.
2021-242 Change Order Two
2021-242 Change Order Three
Concur and Place on File

20.COMMUNICATION NO. 2021-243
Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners to approve Zoning Change Application No. 182 and prepare an Ordinance adopting the proposed change of the Butte-Silver Bow District Map.
Concur and Place on File

21.COMMUNICATION NO. 2021-244
Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a Change Order # 11 for the County Shops Relocation Project.
2021-244 Change Order
Concur and Place on File

22.COMMUNICATION NO. 2021-245
Eric Mankins, Commissioner District 9 requesting Council of Commissioners to have the Public Works Committee consider a speed study be conducted by the Montana Department of Transportation on Iron Street (Exit and Entrance) both east and west bound traffic.
Refer to Public Works Committee

23.COMMUNICATION NO. 2021-246
Dan Dennehy, Emergency Management Director requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign the Professional Services Agreement/Scope of Work between The City and County of Butte-Silver Bow and Johnson

City and County of Butte-Silver Bow
Controls Fire Protection LP for a required 5-year Obstruction and Internal inspections of the fire suppression and control systems located at the BSB Emergency Operation Center.

2021-246 Agreement
2021-246 Insurance
Concur and Place on File

24.COMMUNICATION NO. 2021-247
Mark Fisher, Highland View Manager requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to sign a contract with USA Technologies, ePORT CONNECT SERVICES AGREEMENT-Nontraditional. This will allow BSB to transfer funds from USA Tech, for Credit and Debit Cards being processed at Copper Mountain.

2021-247 Agreement
Concur and Place on File

25.COMMUNICATION NO. 2021-248
Karen Byrnes, Community Development Director requesting Council of Commissioners to approve the letter from Any Cline requesting to purchase Butte-Silver Bow property at 7 West Agate.

2021-248 Letter/Map
Refer to Land Sales Committee

2021-249 Suspension of the Rules
Kristen Rosa moves to concur with 2021-249 and Place on File. Bill Andersen seconds the motion. 11 yea 0 nay

SECTION 4: ORDINANCES AND RESOLUTIONS SUSPENSION OF THE RULE FOR FINAL PASSAGE
Shawn Fredrickson moves to pass 2021-18 and 19 with advanced passage not having to go to the Judiciary Committee. Bill Andersen seconds the motion. 11 yea 0 nay

1.RESOLUTION NO. 2021-18
A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR IN ACCORDANCE WITH SECTION 7-6-4032, MONTANA CODE ANNOTATED (MCA) PROVIDING FOR AN EMERGENCY BUDGET APPROPRIATION; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.
Shawn Fredrickson makes a motion to place on final reading having been fully read at length. Bill Andersen seconds the motion 11 yea 0 nay

2.RESOLUTION NO. 2021-19
A RESOLUTION DIRECTING THE BUTTE-SILVER BOW LAND RECORDS DEPARTMENT ON BEHALF OF THE TREASURER TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX LIEN CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE A TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX LIEN CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION PERIOD HAS EXPIRED AND THE REQUIRED PAYMENTS HAVE NOT BEEN MADE AND
PROVIDING FOR AN EFFECTIVE DATE HEREN.
Shawn Fredrickson makes a motion to place on final reading having been fully read at length. Bill Andersen seconds the motion 11 yea 0 nay

SECTION 5: ORDINANCES AND RESOLUTIONS FOR FINAL READING

1. RESOLUTION NO. 2021-13
A RESOLUTION DECLARING THE INTENTION OF THE COUNCIL OF COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, MONTANA TO EXTEND SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT NO. 1, FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY-COUNTY OF BUTTE-SILVER BOW; DESIGNATING AND DESCRIBING THE BOUNDARIES OF SAID PROPOSED SPECIAL TOURISM BUSINESS IMPROVEMENT DISTRICT; PROVIDING FOR THE PUBLICATION AND GIVING OF NOTICE OF THE PASSAGE AND ADOPTION OF THIS RESOLUTION AND PROVIDING FOR THE EFFECTIVE DATE HEREN.
Shawn Fredrickson makes a motion to place on final reading having been fully read at length. Bill Andersen seconds the motion.
11 yea 0 nay

2. RESOLUTION NO. 2021-15
A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FROM THE SUPERFUND PROGRAM TRUST ACCOUNT PROCEEDS AND PROVIDING FOR AN EFFECTIVE DATE HEREN.
Shawn Fredrickson makes a motion to place on final reading having been fully read at length. Bill Andersen seconds the motion.
11 yea 0 nay

3. RESOLUTION NO. 2021-16
A RESOLUTION AMENDING THE FISCAL YEAR 2020-2021 BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING BUILDING CODE RESERVE FUNDS TO THE PLANNING -BUILDING AND CODE DEPARTMENT FOR THE PURPOSE OF HIRING A BUILDING INSPECTOR AND COVERING THE ASSOCIATED COSTS AND PROVIDING FOR AN EFFECTIVE DATE HEREN.
Shawn Fredrickson makes a motion to place on final reading having been fully read at length. Bill Andersen seconds the motion.
11 yea 0 nay

4. RESOLUTION NO. 2021-17
A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE FROM THE WILDLAND FIRE DEPLOYMENTS EMERGENCY MANAGEMENT ASSISTANCE COMPACTS TO CALIFORNIA (EMAC) TO BE USED ON THE WAGES AND BENEFITS FOR THOSE

City and County of Butte-Silver Bow 7 | P a g e
MEMBERS WHO PARTICIPATED IN THE DEPLOYMENTS AND FOR EQUIPMENT PURCHASES FOR THE FIRE DEPARTMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.
Shawn Fredrickson makes a motion to place on final reading having been fully read at length. Bill Andersen seconds the motion.
11 yea 0 nay

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA
Dr. Ray- See attached letter

CALENDAR OF OTHER MEETINGS AND EVENTS

May 19, 2021, Parking Commission, 3:00 pm, Chief Executive Conference Room
May 20, 2021, Zoning Board, 5:30 pm, Council Chambers
May 24, 2021, Mental Health LAC, 1:00 pm, 3rd Floor, Library Bldg.
May 25, 2021, Port of Montana, 12:00 pm, Hub Center, Silver Bow
May 25, 202, Urban Revitalization, 8:30 am, 1st Floor Conference Room
May 26, 2021, South Butte TEDD, 3:30 pm, 1st Floor Conference Room
May 26, 2021, Local Emergency Planning, 12:00 pm, Butte Justice Center
May 27, 2021, Planning Board, 5:30 pm, Council Chambers
May 27, 2020, Substance Abuse Task Force, 3:30 pm, Emergency Operations Center, 3615 Wynne
June 1, 2021, Weed Board, 7:00 pm, Weed Office, 25 West Front
June 1, 2021, Fire Advisory Committee, 5:30 pm, Butte 1st Floor Conference Room
June 1, 2021, Historic Preservation Commission, 5:30 pm, Council Chambers

ADJOURN
Gallagher: Meeting adjourned.

MEETINGS

FINANCE & BUDGET COMMITTEE MEETING
MAY 19, 2021
7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS

Expenditure report for the week of May 19, 2021 was reviewed and approved in the amount of $ ____________________________ 2021.

REPORTS

COMMITTEE OF THE WHOLE REPORT
MAY 12, 2021
TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
Ladies and Gentlemen,
We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION 1. COMMUNICATIONS

1.COMMUNICATION NO. 2021-131
Ed Lester, Butte-Silver Bow Sheriff requesting Council of Commissioners concurrence and authorization for the Chief Executive to sign the Memorandum of Understanding (MOU) between Butte-Silver Bow and the Southwest Montana Drug Task Force.
2021-131 MOU
Hold in Abeyance

2.COMMUNICATION NO. 2021-182
Carrie Keane, on behalf of Geo. Steele Co. requesting Council of Commissioners authorization to purchase the vacant Butte-Silver Bow property located at 750 S. Wyoming Street. It is our intention, upon approval of our application to use this property for a new metal sided garage which will house our new delivery vans.
2021-182 Maps
Hold in Abeyance

3.COMMUNICATION NO. 2021-188
Dylan Pipinich, Assistant Planning Director requesting Council of Commissioners authorization to schedule a Public Hearing on May 5, 2021 to hear public comment on Zone Change Application No. 182
2021-188 Staff Report
Concur and Place on File

4.COMMUNICATION NO. 2021-195
Mark Neary, Public Works Director requesting Council of Commissioners authorization to schedule a presentation for May 5, 2021 for the Rocker Water and Sewer District.
Concur and Place on File

5.COMMUNICATION NO. 2021-208
Lori Baker-Patrick, BSB County Treasurer requesting Council of Commissioners to direct the County Attorney to prepare a Council Resolution authorizing the mailing of Tax Deed Notifications.
Hold in Abeyance

6.COMMUNICATION NO. 2021-209
Ellen Crain, BSB Public Archives Director requesting Council of Commissioners concurrence to make a presentation at the May 19th, 2021 Council of Commissioners Meeting. The presentation will provide a report on the activities of the Archives/Chateau department for the year 2020.
Hold in Abeyance

7.COMMUNICATION NO. 2021-214
City and County of Butte-Silver Bow
Paul Babb, NorthWestern Energy Community Relations Manager requesting Council of Commissioners concurrence to give a presentation on May 5, 2021 Regular agenda for the meter upgrade project that will be taking place in our community.
Concur and Place on File

8.COMMUNICATION NO. 2021-217
Jim Fisher, BSB Commissioner District 6 requesting Council of Commissioners authorization for the Chief Executive J.P. Gallagher to invite someone from the DEQ and EPA to our Council Meeting to update and explain the clean-up and future use of the Montana Pole site.
Hold in Abeyance
Fredrickson: Chief Executive asked me to segregate and makes a motion to allow for presentation from DEQ to move to the COW next week on May 26, 2021 Bill Andersen seconds the motion.
11 yea 0 nay
FINANCE & BUDGET COMMITTEE MEETING REPORT

MAY 12, 2021
6:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS
TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE- SILVER BOW COMMISSIONERS

Ladies and Gentlemen,
We, your Council of Commissioners, and Madame Chairman Cindi Shaw, respectfully recommends as follows: Expenditure report for the week of May 12, 2021 was reviewed and approved in the amount of $822,859.80 for 2021.

FINANCE AND BUDGET COMMITTEE MEMBERS PRESENT/ ABSENT
John Sorich, Chair P
Josh O’Neill, Vice Chair A
Hattie Thatcher P
Jim Fisher P
John Riordan P
Justin Fortune P

PUBLIC WORKS COMMITTEE MEETING REPORT

MAY 12, 2021
6:30 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS
TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE- SILVER BOW COMMISSIONERS
This meeting was not held this week

JUDICIARY COMMITTEE MEETING REPORT

MAY 12, 2021
7:00 PM BUTTE-SILVER BOW COURTHOUSE CHAMBERS
TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COMMISSIONERS

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<tr>
<td>RML MONTANA Thaddeus Faeth</td>
<td>$133.24</td>
<td>REFUND REDEMPTION OF TAX ASSIGNMENT TAKEN/ INTEREST ON ASSIGNMENT</td>
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2. RESOLUTION NO. 2021-15
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APPROPRIATING UNANTICIPATED REVENUE FROM THE WILDLAND FIRE DEPLOYMENTS EMERGENCY MANAGEMENT ASSISTANCE COMPACTS TO CALIFORNIA (EMAC) TO BE USED ON THE WAGES AND BENEFITS FOR THOSE MEMBERS WHO PARTICIPATED IN THE DEPLOYMENTS AND FOR EQUIPMENT PURCHASES FOR THE FIRE DEPARTMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

Move to Final Reading

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<th>JUDICIARY COMMITTEE MEMBERS</th>
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<tr>
<td>Bill Andersen, Chairman</td>
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<td>Michele Shea, Vice Chairman</td>
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<td>Dan Callahan</td>
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<td>Hattie Thatcher</td>
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<td>Eric Mankins</td>
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<tr>
<td>John Sorich</td>
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Is the RMAP effective? What Conclusions can be drawn from the Medical Monitoring Study—RMAP—Phase II?

Submitted by: Dr. John W. Ray

(I was a Medical Monitoring Phase II working group member and community representative. I am also on the board of CTEC (Citizens Technical Environmental Group) the EPA TAG in Butte. The views expressed here are my own and are not necessarily the views of any Working Group member or of CTEC.)

The Medical Monitoring Studies of which Phase II is a part are being conducted in order to determine the efficacy of the Butte Residential Metals Abatement Program. The focus of the study is on blood lead levels in children in Butte. Beginning in 2003 blood lead levels in children have declined dramatically in Butte until 2011 when blood lead levels have declined much more slowly.

The question is: Did those levels decline due to the RMAP which began in 1992?

The study provides no direct evidence that the RMAP was primarily responsible for the decline. The study assumes that: “While the RMAP has contributed to these declines the magnitude of impact cannot be quantified.” The study also cannot determine the extent to which past mining has contributed to elevated blood lead levels in children. No explanation is provided as to why the blood lead levels have plateaued in Butte beginning in 2011. Finally, the average blood lead levels in children are higher than the national average. Moreover, there is insufficient data to study arsenic and mercury for an exposure study. Of course, arsenic and mercury are the other two major contaminants of concern in Butte. Previous arsenic biomonitoring studies in Butte have not found elevated arsenic exposure due to soil arsenic. (But these measured acute rather than chronic arsenic exposure.)
Historical sources of lead exposure include:

1. Paint
2. Toys and Jewelry
3. Home Remedies and Cosmetics
4. Imported candy.
5. Naturally occurring lead in soil.
6. Lead associated with water pipes in the home and municipal water main pipes
7. Industrial activity
8. Commercial Products
9. Food
10. Lead in dishes and ceramic ware

Many of these are not addressed by RMAP. Many of these have been addressed in Butte through programs other than RMAP, which programs could also account for declining blood lead levels in Butte. For example, lead water main pipes, which we have seen nationally are a major source of lead contamination, have been replaced in Butte through NRDP funds. So, the decline in Butte may not be attributable to RMAP but to other causes. Also, the higher than the national average blood lead levels in children in Butte, may be attributable to factors other than lead from past mining activity.

The percentage of children in Butte that have elevated blood lead levels remains higher than the national percentage. Why? Why have blood lead levels plateaued? As RMAP addresses more and more residences, why not a continuing decline as was seen earlier?

The study also considers the rates of various types of cancers in Butte and concludes that the rates in Butte are the same as the rest of Montana statistically. Mortality rates present a more complex picture and no definitive conclusions are reached in Phase II. Other studies such as those by Barry, Hailer and Davis and McDermott have reached different conclusions and indicate a problem relevant to cancers commonly associated with exposure to lead and arsenic.

If the story ended here, we would not have a compelling case for the efficacy of the RMAP.
BUT.

A. Superfund is anticipatory in that it is designed to remediate toxics that pose a threat to human health. Certainly, the lead in Butte yards and homes is a threat to human health. The harms of lead exposure, particularly on children, is well documented as are the harms of chronic exposure to arsenic. These should be comprehensively remediated and RMAP is an important part of the remediation picture.

B. The Precautionary Principle, which is enshrined in Superfund law, mandates that action be taken to prevent harm even when data or causality is incomplete. Causality is difficult to establish. The philosopher David Hume said that we can never fully justify the cause of anything. Diseases such as those associated with that toxics of concern in Butte have multiple causes and it is impossible to determine that exposure to one toxic is the cause of one particular illness. But these limits must not paralyze action. We cannot demand more certainty from analysis than is possible. Analysis in the hope of eventual certainty must not paralyze remediation. We know that exposure to lead and arsenic is harmful, there is lead and arsenic present in Butte soils, therefore, it makes sense to remove this threat even if strict causality cannot be ascertained. The best treatment for illness is to prevent it in the first place.

C. If one uses John Stuarts Mill’s Canons of Causality, it can be determined that the RMAP is a substantial contributor to declining lead levels in Butte. For example, the major change in lead abatement policy in Butte from 2003 to 2017 is the RMAP. While not the sole contributor or cause of declining lead levels in Butte children, one can safely deduce that the RMAP is a major cause of improvement.

D. There is no doubt that the RMAP has substantially reduced the threat of lead exposure for Butte children. RMAP addresses lead and arsenic contamination in yards, living areas and attics. One could not think of any pathway of exposure from residential soil that the RMAP fails to address. RMAP was not designed to address all possible routes of exposure to lead and arsenic but the routes it does address are done so in a competent, extensive and effective manner. RMAP has also engaged in extensive educational outreach to the community and has worked with diverse groups, including landlords and schools, to promote its activities. RMAP does what it was designed to do.

E. RMAP, given that it has been concentrated in uptown Butte, which has a disproportionate poverty rate, has been and is a major force in promoting environmental justice in Butte. As RMAP expands to encompass virtually all of Butte, special emphasis will be given regarding outreach to Butte’s environmental justice community outside of the uptown.
F. The RMAP is an integral part of the current multi-pathway, multifaceted Superfund remediation in Butte that addresses toxics of concern primarily in water and the soil.

The RMAP is a national model of a successful lead abatement program. I have been asked at several national conferences, how was it that Butte got such a comprehensive program? To the credit of EPA, Atlantic Richfield and Butte Silver Bow local government we have a program that systematically and comprehensively and effectively ameliorates a major threat to children’s health in our community. Due to this partnership, we have a program that goes far beyond anything that Superfund could mandate. We should ask the question: Would Butte children be better off with or without RMAP? “Prevention is better than cure.” Erasmus
## Voting Results

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