

# United States Senate

October 16, 2019

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

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street N.W.  
Washington, D.C. 20520

Dear Administrator Wheeler and Secretary Pompeo:

I am writing to you today regarding ongoing transboundary water issues in the Kootenai River watershed. We need leadership from you to understand the full scope of the problem, and how the wide coalition of state, tribal, local, and federal partners can work together to secure an agreement with the relevant Canadian stakeholders to stop the flow of pollution across our border.

As state, tribal, local, and federal partners work to address increasing selenium levels in the watershed, we need a clear picture of where additional monitoring is necessary. We also need to know the areas where the current Montana-British Columbia proposal falls short, so that we have a roadmap to address additional contamination in the watershed. I urge you to work together to finalize and publicly release a report identifying what additional monitoring is necessary to understand the scope of contamination in this watershed, and the best path forward to coming to a thorough and timely agreement with your Canadian counterparts to stop transboundary pollution in this watershed. Canadian mines have been impacting water quality in the Kootenai for decades, and we are still a long way from resolving the issue. We have to do better.

Article IV of the Boundary Waters Treaty of 1909 states, "...waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other." I am worried that with recent data from the Kootenai River and ongoing trends seen at the international boundary, we are approaching violation of this treaty. We need a federal presence to work through these issues, and I urge the US State Department to address Kootenai River watershed concerns in your upcoming bilateral talks at the end of the month. Additionally, state, tribal, and local stakeholders are strong partners in assessing the health of the watershed and bringing international attention to this issue. I encourage you both to work with these stakeholders as you develop, finalize, and publicize a gap analysis for this watershed.

As new mining activities are considered north of the border, we do not have the luxury of assuming selenium and other possible contaminants are not affecting waterways in the US. I stand ready to work with you to understand the threats to water quality in the Kootenai River watershed, and to protect that water.

I look forward to your response on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Tester". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

Jon Tester