

United States Senate

June 9, 2021

Antony Blinken
Secretary of State
United States Department of State
2201 C Street NW
Washington, DC 20011

Dear Secretary Blinken:

I am writing to you to request a referral to the International Joint Commission (IJC) concerning the selenium contamination issue in the Kootenai watershed in Montana. For over a decade, selenium from mining operations along the Elk River in Canada has flowed south into Lake Koochanusa and the Kootenai River in Montana. It is critical for the State Department to engage with the Canadian government and the IJC to resolve this critical transboundary water quality issue, as well as any other contaminants of concern associated with these mining operations..

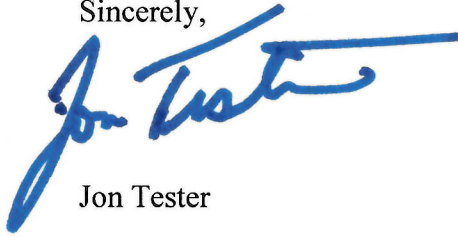
Water quality is the cornerstone of Montana's way of life and our \$7.1 billion outdoor recreation economy. Selenium contamination from mining on the Canadian Elk River poses a direct threat to that way of life, and the region's outdoor recreation economy. For decades, mining operations in Canada have caused elevated selenium levels in the transboundary watershed. Efforts to curb selenium contamination have been unsuccessful, and selenium levels continue to rise. Meanwhile, mining companies are proposing new mines without a tested plan in place to control selenium and other contaminants.

Mining operators in Canada have had a mixed history on preventing selenium contamination in this watershed. In 2017, a water treatment plant at a Canadian mine failed catastrophically, flooding the watershed with a more bioavailable form of selenium, posing an elevated risk to fish populations. Now, those same operators are using new, proprietary water treatment technologies that have not been robustly reviewed by the Environmental Protection Agency to supposedly curb new selenium contamination. State and federal agencies have found elevated selenium levels in fish as far downstream as Idaho and Idaho has declared the Kootenai River an impaired stream. Just last month, the Canadian government issued its largest-ever fine under the Canadian Fisheries Act for violating water quality laws for violations in the Elk River Watershed.

Selenium contamination is a pressing issue for nonfederal stakeholders in the region as well. The Confederated Salish and Kootenai Tribes have long supported an IJC referral to address contamination in their historic fisheries. The State of Montana has worked with the Environmental Protection Agency to issue site-specific selenium standards specifically for this watershed, and in 2005 and 2020, called for an IJC referral as well. Members of the IJC have taken a direct interest in the issue, and are awaiting a formal referral request to begin their review and adjudication process. Montanans have waited for over three decades to see real action curtailing selenium contamination in their water. They shouldn't have to wait any longer.

Thank you for your attention to this pressing issue. I stand ready to help you protect Montana's water quality in any way I can.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Tester", with a long horizontal flourish extending to the right.

Jon Tester