

**Comments on Public Health Assessment for  
Molycorp, Incorporated  
Questa, Taos County, New Mexico  
EPA Facility ID: NMD002899094  
Prepared by  
Agency for Toxic Substances and Disease Registry  
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## **Rio Colorado Reclamation Committee Comments on ATSDR Report Executive Summary**

The Agency for Toxic Substances and Disease Registry (ATSDR) has released a Public Health Assessment for the Molycorp mine and Questa community which states that, “Assuming exposure conditions do not change, ATSDR concludes that contamination associated with the site does not pose a present or future public health hazard.” The study further classifies the Molycorp mine site as posing *no apparent public health hazard for current and potential future exposures* and classifies past exposures as an *indeterminate public health hazard* because the extent of exposures associated with drinking water at the mine site and private drinking water wells in the vicinity of both the mine site and the tailings impoundments could not be fully determined.

The Rio Colorado Reclamation Committee (RCRC) has reviewed the ATSDR report and identified the following deficiencies and concerns with the public health assessment.

1. The ATSDR spent one day in Questa in 2000 and did not interview any members of public; local health care providers; or local government officials in preparing the report.
2. The ATSDR did not review the administrative record for the mine that shows more than 230 tailings spills since 1965; numerous air quality violations associated with blowing dust from the tailings ponds; records from contaminated domestic wells that show exceedences of state and federal water quality standards for numerous metals; and a history of complaints from local citizens about the impacts of the mine on human health and the environment.
3. The ATSDR did not make any effort to interview local residents and examine health care records to identify health problems that could be associated with exposures to public and private drinking water sources or blowing tailings dust.
4. The ATSDR did not produce copies of the report in Spanish for local residents whose primary language is Spanish.
5. The ATSDR did not notify local residents or government officials about the release of the report until almost 5 months after the report was issued on September 24, 2002, nor did the EPA mention the release of the report at a public meeting held in Questa on November 12, 2002.
6. The ATSDR made no effort to review the extensive newspaper accounts of public concerns about blowing tailings, fish kills, tailings spills, and other hazards created by the mine.

**The current public health assessment for Questa and the Molycorp mine is defective and incomplete and must not become part of the administrative record or be used in the EPA decision-making process. As a consequence of the deficiencies and concerns listed above, the RCRC recommends that the ATSDR retract the current public health assessment for Questa and re-write the report with input from local citizens, health care providers, and government officials.**

## Introduction

The following comments have been prepared on behalf of the Rio Colorado Reclamation Committee (RCRC) on the Public Health Assessment written by the Superfund Site Assessment Branch, Division of Health Assessment and Consultation of the Agency for Toxic Substances and Disease Registry (ATSDR) for the Molycorp molybdenum mine east of Questa, New Mexico. These comments address both procedural flaws in the preparation and release of the report and technical oversights noted throughout the report. Following an analysis of the report, conclusions and recommendations are provided to ATSDR. These comments are organized to follow the format of the ATSDR report.

### Procedural Errors

First, this report was not released to either the RCRC or people of Questa with any public notice, *even though the formal release appears to have occurred the day after a public meeting held by EPA on the RI/FS process on November 12, 2002 and the date on the cover of the report is September 24, 2002.* The EPA did not mention the ATSDR report in the November 12<sup>th</sup> meeting and the RCRC only learned of the existence and release of the report in late February 2003. After several e-mail and phone communications between the RCRC and ATSDR, the ATSDR agreed to extend the comment period on the report until May 16, 2003 and then again until June 19, 2003. **Given the numerous errors and oversights noted in the report, the RCRC recommends that the report be withdrawn; local citizens, health care providers, and government officials be interviewed; and the report be re-written, and released again for comments from the public.**

**Second, the report should be written in both English and Spanish, which is the first language of many of the residents of Questa.**

**Third, ATSDR should hold an independent public meeting in Questa when the report is issued again to explain the methodologies, assumptions, and conclusions to the public *in person*.**

### Summary

The last sentence of the first paragraph is inaccurate and should either be deleted or re-written. Substantial data exists from the period before 1994 and the conclusion that "...the potential for past exposures cannot be evaluated" is flawed. Files of the New Mexico Environment Department (NMED) contain documentation of at least 225 releases of tailings into the Red River, and numerous news articles in the *Taos News* and *Albuquerque Journal* document the fish kills, tailings dust storms, and complaints of local residents since 1965.

Most importantly, since about 1970 many health care providers in Taos County have treated Questa residents for health problems that the residents have attributed to the mine. This report contains no evidence that any health care providers were contacted in compiling the report.

**When this report is re-done, Taos County health care providers should be contacted to compile medical evidence of the health problems that Questa residents which the residents ascribed to impacts from the mine when they gave their medical histories.**

On page 2, second bullet, there is no mention that the EPA has required Molycorp to post written notices in every rest room on the mine that tap water contains levels of beryllium and nickel that are two orders of magnitude above the MCLs (Maximum Contaminant Levels) and is considered unsafe for human consumption. This posting is a legal requirement under the Safe Drinking Water Act and should be duly noted in this report.

On page 2, third bullet, there is no mention that the residents who used the well with elevated values of sulfate, nickel, cadmium, and manganese have both reported health problems that are indicative of heavy metal poisoning. These residents have filed a lawsuit against Molycorp for polluting their well and causing their health problems. Although this case is still under litigation, the circumstances should be described in this report. These residents are willing to talk to ATSDR to explain the history of their well and their health problems.

On page 2, fifth bullet, it should be noted that water from private wells in the vicinity of the tailings impoundments caused health problems for the users and that Molycorp installed new wells for the owners and reached settlements which do not allow the owners to discuss their past health problems or effects from the contaminated water on their livestock.

On page 3, under *Air*, statements made about blowing dust from the tailings impoundments grossly simplify the chronic problems of blowing tailings in Questa and their impacts on public health. In fact, the air quality monitoring of blowing tailings has been and continues to be inadequate and interviews with local residents and a review of newspaper articles would have revealed the numerous problems at the High School and in town as a result of blowing tailings. As recently as January 2003 blowing tailings dust in Questa resulted in complaints to state agencies about the problem. This section in the Summary and subsequent discussions of blowing tailings dust and their impact on public health should be re-written to include more accurate information.

The ATSDR conclusion category chosen in the paragraph below *Air* on page 3 (“no apparent public health hazard”) is incorrect. Using the ATSDR’s own standards, it is clear that the only appropriate conclusion category at this time is “potential/indeterminate public health hazard.” The ATSDR acknowledges throughout this report that insufficient data are available to categorize past health exposures and so has ranked past exposures as an “indeterminate public health hazard.” It is also important to note that the EPA has not yet conducted the Human Health Risk Assessment under the Remedial Investigation. **Because no comprehensive data collection has been done in the town of Questa and because local residents continue to report chronic health problems of unknown provenance, it is also appropriate to classify current exposures as an “indeterminate public health hazard.”**

## Purpose and Health Issues

### C. Site Visit (p. 9)

According to this section, the ATSDR conducted one site visit in December 2000 in which staff met with personnel from state agencies, EPA, and Molycorp to discuss ATSDR's mission and describe the public health assessment process. From this sentence it would appear that ATSDR spent one day in Questa more than two years ago and managed to not speak with any actual residents of Questa or with any elected officials from the village government.

A few interviews with local residents would have revealed that the health problems in Questa are real and have been ongoing over the past 35 years and that facile conclusions about the source of these health problems is unwise. One wonders how the ATSDR can issue a "public health assessment" without actually speaking to the public whose health is being assessed, but apparently that is the case here. **When this report is re-done, staff from ATSDR should meet with local residents and local government officials to acquire more accurate and detailed information about current and past health impacts.**

## Discussion

### B. Extent of Contamination and Public Health Implications Groundwater (p. 11)

The first sentence in this section states:

*"No health hazards are associated with current or potential future use of groundwater at or in the vicinity of the Molycorp site, based on current groundwater use patterns."*

This statement is inaccurate. It does not say, "It is unlikely that" or "Given the following circumstances, no health hazards..." but makes a definitive claim that is contradicted by existing data. First, Molycorp has been required to post warning notices at all water taps on the mine that it is unsafe to drink water from the tap because of elevated levels of beryllium and nickel. Second, the EPA has not yet conducted the Human Health Risk Assessment required under the Remedial Investigation, so such a claim is at least premature. And third, how can the ATSDR speculate about "potential future use of groundwater at or in the vicinity of the Molycorp site?" It is highly likely that when the RI/FS is completed, it will be necessary to impose Institutional Controls (e.g., deed restrictions) to prevent future owners of the Molycorp property and adjacent properties from drilling wells, using water from existing wells, and using contaminated water, given the elevated levels of toxic metals found in existing wells. **This statement should be qualified to define the conditions under which "no" health hazards would be associated with future use of groundwater.**

The last sentence on page 11 states:

"ATSDR is unable to determine the full extent of any past exposures because there are no further historical data."

Given that mine employees were drinking water from 5 on-site wells from the late 1960s until 1997 and that sampling of 3 of those wells between 1991 and 1997 revealed elevated levels of

cadmium, lead, TDS, and/or sulfate, it would appear that mine employees had significant exposures to contaminated groundwater on the mine. Variants of this statement occur throughout the report: that ATSDR is unable to determine the extent of past exposures. On page 13, the report states that, “Drinking water quality and contamination levels in the past remain undetermined.” This statement points up one of the most difficult tasks for the RI Risk Assessment: how to measure the risks and impacts from past exposures given limited data.

Other statements like, “However, there is no reason to believe that people are currently drinking contaminated water or will do so in the future” (p. 12, third bullet) are careless. The full extent of groundwater contamination on and adjacent to the mine has not yet even been defined, nor is full extent of tailings deposition from past spills into the river and in town fully understood. **The statement on page 12 quoted above should be deleted from the report.**

#### Public Water Supply (The Village of Questa)

ATSDR should be aware that several residents of Questa have reported that tailings were used to backfill trenches containing water lines (e.g., along Embargo Road) when they were replaced or repaired in the last three decades. Because the water lines consist of several different types of pipes (e.g., cast iron, clay, PVC, concrete) and the tailings contain pyrite which oxidizes to produce acid and lower the pH of water, it is possible that metals have leached from the tailings and into cracked or corroded water lines in individual houses or neighborhoods in Questa. Samples of water from the village wells are taken at the wellhead, not at the tap in houses. **This pathway should be investigated further in the Risk Assessment phase of the RI and should be acknowledged in this report.**

#### Air (Particulates), p. 24

Dust generated in the past from tailings impoundments did not “reportedly” produce conditions that disturbed downwind populations, it actually *did* produce conditions that disturbed downwind populations. Blowing tailings caused several delays at a state championship baseball game in Questa on May 24, 1980 (Taos News, May 29, 1980). Because of blowing tailings, students at Questa High School walked out of class on April 8, 1981; 65 students and their parents marched to Molycorp’s offices on April 9, 1981 to complain about chronic blowing tailings; and students collected more than 200 names on a petition protesting the blowing tailings dust (Santa Fe New Mexican, April 10, 1981). In addition, students and teachers at Questa High School conducted a survey on health and medical problems as part of the petition presented in April 1981. On April 10, 1991, the Middle School was closed early due to blowing tailings (Taos News, April 18, 1991). ATSDR also should be aware that the Air Quality Bureau of NMED received complaints from Questa residents on January 14, 2003 about blowing tailings in town that caused eye irritation, reduced visibility, and respiratory problems for some people.

The claim that total suspended particulate (TSP) standards have been exceeded only 4 times since 1979 (p. 3) is a clear indication of the inadequacy of the air quality monitoring at the tailings ponds. The air quality permit issued by NMED for the tailings facility is required to operate for 24 hours every sixth day, which means that sampling is done only 60 days each year (17% of the time) and any “excursion” events that occur on days without sampling would not be

recorded. Such events occur each spring or during high winds, and the mine inevitably claims that there were unusual circumstances not likely to happen again. And then it happens again. The long-term viability of re-vegetation of the tailings ponds has yet to be demonstrated and blowing tailings are a potential long-term problem in Questa.

### C. Community Health Concerns

On page 27, the report states that, "It is unlikely that these minor respiratory effects would be associated with any chronic health problems." **The RCRC would like to know what basis ATSDR has for making this statement given the lack of consistent air quality and health data for Questa.**

### Conclusions

Comments on Conclusions listed on pages 30 and 31 of the ATSDR report have been made where these conclusions appear elsewhere in the report. **As stated in the Procedural Errors section of these comments, this report should be withdrawn and re-written after ATSDR actually interviews Questa residents and Taos County health care providers who have treated Questa residents with health problems which could be caused by the impacts of the Molycorp mine and tailings facility. The RCRC can provide copies of news articles documenting both tailings spills and blowing tailings in Questa. ATSDR should issue a written retraction which acknowledges that this report was issued prematurely and will be re-done with input and cooperation from the citizens of Questa and the local government.**

**If ATSDR does not re-write this report and re-issue the existing report with an appendix of public comments and no changes to the content of the report, the RCRC will work with Senators Domenici and Bingaman and Representative Udall (who are being copied on these comments) to see that the report is retracted and re-done properly.**