

Attorney General Scott Pruitt EPA Administrator Nominee Sunshine Roundtable
Tuesday, January 24, Time: 3:30-6PM SVC 202-203
Testimony of Jason B. Aamodt¹

Mr. Pruitt testified before the Senate Environment and Public Works Committee that he enforced environmental laws in Oklahoma. He listed examples of enforcement actions he oversaw. His list states, in part: “Blackwell Zinc - Cleanup of the town of Blackwell Oklahoma due to widespread arsenic and zinc contamination from the closed Blackwell Zinc smelter.” He also stated that he represents the Oklahoma Department of Environmental Quality (ODEQ).

Mr. Pruitt misleadingly fails to mention that Blackwell, Oklahoma is profoundly polluted by lead.² Lead has always been a significant concern at Blackwell, a town polluted by a smelter. The smelter was, and in part is today, owned by Freeport McMoRan, Inc., and its subsidiaries. The smelter operated from about 1916 to 1972. It closed because the company did not want to spend the money to comply with the Clean Air Act.

My client, Helen Briggs, knows the devastating effects of lead contamination. One of her granddaughters, who lived in Blackwell, suffers from profound cognitive impairment. Data from the Oklahoma Department of Health indicates that Blackwell children have some of the highest blood lead levels in the United States, even today, after the “enforcement” Mr. Pruitt lists as an accomplishment.

Mr. Pruitt’s client, the ODEQ, failed to set effective lead clean up levels in Blackwell when it had the opportunity in 2012, 2013, 2015 and 2016. First, in October 2012, the US Centers for Disease Control (CDC) lowered the childhood blood level goals. In 2013, a private lawsuit against Freeport set a cleanup level that was 33% lower than the state standard. In 2015, the EPA directed ODEQ to revise the Blackwell lead cleanup standard.

In 2012 ODEQ’s residential cleanup level for lead in Blackwell soil was 750 ppm, among the highest levels in the nation. The default lead remediation standard in the United States at that time was 400 ppm. The private plaintiffs in the 2013 settlement got Freeport to agree to a 500 ppm cleanup.

Astonishingly, the ODEQ, represented by Mr. Pruitt, in 2016 set a lead cleanup level at 540 ppm, achieving less than the national default and less than private lawyers. If the lowered 2012 CDC goals were implemented at Blackwell, conservatively the lead cleanup standard would be 150 ppm. Mr. Pruitt could have enforced the law and reduced the risk to Blackwell children substantially.

However, enforcing the law and applying even an average lead cleanup standard would have cost Freeport McMoRan money. Freeport McMoRan owns the largest gold mine in the world, in Indonesia. Freeport McMoRan is not an Oklahoma corporation. Mr. Pruitt was elected AG to represent Oklahomans. The job of the EPA Director is to represent the public interest of Americans. Based on his record at Blackwell it is reasonable to consider whether Mr. Pruitt is likely to represent the American public interest or foreign corporate interests if he is confirmed as EPA director.

¹ The views expressed herein are only those of Jason Aamodt, and are not meant to reflect the views of any client, employer, co-counsel, partner, or any firm or entity with which Mr. Aamodt is associated.

² Documents supporting each of the facts relating to the Blackwell site can be found at <https://iaelaw.box.com/s/9b5rtj37p095g1vl3gg6lg11zohjayu5>