

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 9

BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
3 ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
4 IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO LISA JACKSON, ADMIN-
5 ISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

6 We, your Memorialists, the House of Representatives and the Senate of
7 the State of Idaho assembled in the Second Regular Session of the Sixty-first
8 Idaho Legislature, do hereby respectfully represent that:

9 WHEREAS, the United States Environmental Protection Agency (EPA) has,
10 for the past three decades, crippled industrial development in Shoshone
11 County through its Superfund designation, based upon highly questionable
12 scientific data; and

13 WHEREAS, this designation has resulted in the loss of thousands of well-
14 paying jobs in the natural resource sector, while only creating a signifi-
15 cantly lesser number of low-paying, seasonal jobs, which do not provide ben-
16 efits to employees; and

17 WHEREAS, the abatement of any alleged local environmental "pollution"
18 or "contamination" is neither necessary nor proper to effect the regulation
19 of interstate commerce and is, therefore, a power reserved to the state or
20 the people of the State of Idaho pursuant to the Tenth Amendment of the United
21 States Constitution; and

22 WHEREAS, by the EPA's own admission, blood lead testing of local resi-
23 dents has proven that any alleged human health hazard has been effectively
24 eliminated, to the extent that such a hazard ever existed; and

25 WHEREAS, the EPA is now proposing a plan in which it will perpetuate its
26 unconstitutional, economically paralyzing usurpation of state and local au-
27 thority for another fifty to ninety years at an estimated cost of nearly one
28 billion dollars; and

29 WHEREAS, the Idaho Legislature was neither consulted nor given the op-
30 portunity to consider the EPA's recent, proposed Record of Decision (ROD)
31 amendment in Shoshone County, as called for by Senate Concurrent Resolution
32 127, passed by the Second Regular Session of the Sixtieth Idaho Legislature
33 in 2010.

34 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
35 sion of the Sixty-first Idaho Legislature, the House of Representatives and
36 the Senate concurring therein, that the Legislature of the State of Idaho
37 vehemently opposes and rejects the ROD amendment proposed by the EPA, and
38 hereby demands that our local, state and federal elected officials do all
39 in their power in order to ensure that the EPA restore all roads and other
40 infrastructure in Shoshone County to a condition meeting or exceeding that
41 prior to its presence in Shoshone County, and that it then end its presence in
42 Shoshone County and rescind the Superfund designation within the next five
43 years.

1 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Represen-
2 tatives be, and she is hereby authorized and directed to forward a copy of
3 this Memorial to the President of the Senate and the Speaker of the House of
4 Representatives of the United States Congress, the congressional delegation
5 representing the State of Idaho in the Congress of the United States, and to
6 Lisa Jackson, Administrator of the United States Environmental Protection
7 Agency.