

## Roebuck, Caleb

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**From:** Morrison, Kaitlin <kmorrison@nrdc.org>  
**Sent:** Wednesday, April 10, 2019 9:20 AM  
**To:** ENR  
**Cc:** 'Taryn Hallweaver'  
**Subject:** MPA and NRDC comment on LD 1287

Dear Caleb – Can you please share the below message regarding LD 1287 with the members of the ENR Committee? Much appreciated. – Kaitlin

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Dear Members of the Environment and Natural Resources Committee,

Maine People's Alliance and the Natural Resources Defense Council respectfully write to express our position on LD 1287, "An Act to Protect the Penobscot River and Penobscot Bay from Mercury Contamination," which is before the Committee on April 11.

NRDC's lawyers have represented MPA and NRDC for nearly twenty years in a citizen suit seeking to hold Mallinckrodt US LLC responsible to clean up the mercury contamination in the Penobscot River. *See Maine People's Alliance, et al. v. HoltraChem Manufacturing, Inc., et al.* (D. Me., No. 1:00-cv-69-JAW). Court-appointed engineers recently recommended active remediation to address the contamination, including targeted dredging. The federal district court in Maine scheduled a trial in November to determine whether the engineers' recommendations will be adopted by the Court.

An exception to LD 1287's prohibition on dredging is necessary to protect the discretion of the Court to order a remedy, and the authority of state and federal authorities to permit remedial measures to accelerate recovery of the Penobscot River. We have worked with Representative Dodge, the sponsor of LD 1287, to draft the needed exception.

MPA and NRDC have long sought to address the mercury contamination in the Penobscot, and an amendment to the original text of LD 1287 is necessary to protect the ability to perform such a cleanup. We appreciate your consideration.

Respectfully,

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