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Protecting People and the Environment – A Montana History Lesson

A Newspaper Column by Evan Barrett
February 9, 2016

Republican/Tea Party political mantra includes phrases like “government is the problem,” “any business regulation is bad,” and we just need to “trust the marketplace” and the companies that inhabit it.

The most recent permutation of that concept was GOP gubernatorial candidate Greg Gianforte’s pronouncement that he would appoint someone from industry to head Montana’s Department of Environmental Quality. Now, I have gotten to know candidate Gianforte and I like him personally, but his “fox in the henhouse” prescription for environmental regulation in Montana is far short of what Montanans deserve.

As usual, we can benefit from a Montana history lesson.

Seventy-two days in late 1980 tell us all we need to know about whether the environmental cleanup and natural resource restoration along the nation’s largest Superfund site from Butte to Milltown Dam is being done out of the goodness of British Petroleum’s “marketplace” heart or whether they are being forced to do it by federal laws protecting human health and environment.

Those 72 days, from September 30 to December 11, marked the end of Anaconda Company (ACM) dominance of our economy, politics and government and the beginning of companies being held responsible for the environmental messes they created.

At that time, because oil prices had increased ten-fold following the Arab oil embargo and the formation of OPEC, ARCO (now British Petroleum) and all major oil companies, were so awash with money that Congress enacted a “windfall profits tax.” Big oil spent some of their excess cash purchasing mining companies, like ARCO/British Petroleum buying ACM.

So when they dispatched corporate airplanes to Washington, D.C. and Montana on September 30, 1980, in the middle of an election campaign, to announce the future of their widespread and critically important Montana operations, those waiting on the ground were hoping the cash-rich company might finally reinvest capital into its properties here. After a half-century of Anaconda channeling huge sums into its operations in Chile while neglecting Montana investments, perhaps the new owners were going to modernize the smelter in Anaconda and the refinery in Great Falls to meet emerging environmental standards.

Shockingly, ARCO/British Petroleum representatives hit the ground and announced immediate closure of the Anaconda and Great Falls plants, completely abandoning

those anchors to the Montana economy. And they also closed the Berkeley Pit in Butte.

What did they voluntarily offer the communities they were economically decimating? A pittance of \$5 million total into three community funds as they prepared to take a walk on Montana. Within a few years they also closed down the Butte mines and concentrator and sold their Columbia Falls aluminum plant, as they planned to walk away from the largest environmental damage area in the United States.

The second important date in that period of 1980 was November 4, election day, when Montana elected Governor Ted Schwinden, who had previously helped establish Montana environmental laws and standards. But nationally, industry and the GOP were chortling over Ronald Reagan's election and replacing twelve democratic US Senators, giving the GOP full control of the Senate.

But then, in an historical twist of fate, before the new Congress was sworn in, a "lame duck" session was held, passing an important piece of legislation that would not have seen the light of day in the new GOP Senate. On December 11, the last of those important 72 days in 1980, President Jimmy Carter signed into law the Superfund and ARCO/British Petroleum discovered that it could not cut and run from Montana – it was retroactively liable to clean up the mess of the company it had purchased.

A billion dollars or more later they are still not done remediating and restoring the damage they had inherited. The 99.5% difference between the \$5 million they voluntarily offered Montana on September 30 and \$1 billion dollars required by the Superfund law is the difference between trusting the corporation to do right on its own volition and forcing them do it under penalty of law. Having worked in and around this for 35 years, I firmly believe that ARCO/British Petroleum would not have spent one red penny cleaning up the environmental mess had they not been forced to by law.

This interesting Montana history lesson in corporate irresponsibility is worth noting when we hear that in 2016 a candidate for governor would put Montana environmental regulation in the hands of industry.

Evan Barrett of Butte, has spent the last 46 years at the top level of Montana economic development, government, politics and education. He is currently the Director of Business & Community Outreach and an instructor at Highlands College of Montana Tech. These are his personal views.