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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

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January 16, 2008

Mr. Robert G. McSwain  
Acting Director  
Indian Health Service  
Reyes Building, 801 Thompson Avenue  
Rockville, MD 20852-1627

Dear Mr. McSwain:

Thank you again for meeting with us on December 5, 2007, to discuss your draft action plan to address the health and environmental impacts of uranium contamination in the Navajo Nation. We believe that implementation of the federal agency action plans will begin to address these impacts, and we encourage you to proceed as rapidly as possible, consistent with your consultation responsibilities to the Navajo Nation. These action plans, however, are only a beginning.

The draft action plans do not clearly delineate a course of action for fully resolving the problem. Given the extent of the contamination that is already known, it is obvious that the contamination cannot and will not be cleaned up in the 3- to 9-month timeframes covered by the draft plans. We need a 5-year plan from each agency that sets out specific cleanup objectives, specific timeframes for achieving those objectives, and the new authorities and funding, if any, necessary to achieve those objectives. These plans will provide the Congress, the Navajo Nation, and the public with concrete benchmarks against which to measure the progress of the federal agencies in cleaning up the contamination.

We therefore request that your agency prepare a 5-year action plan for addressing uranium contamination in the Navajo Nation. We are making a similar request of each of the other responsible agencies. In developing your plan, please work with the other agencies to ensure that the federal response is coordinated and effective. The 5-year action plan should specify its cleanup objectives and include specific timeframes and cost estimates for achieving those objectives.

Among the specific objectives that one or more of the 5-year action plans should address are:

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- Assessment of structures and water sources that are likely to be contaminated;
- Cleanup of all structures found to be contaminated above safe levels;
- Provision of alternate water supplies for residents consuming contaminated water;
- Tiered assessment of abandoned mines, with more detailed assessments of those most likely to pose environmental or health problems;
- Cleanup of the Northeast Churchrock mine site and additional high-priority abandoned mine sites;
- Cleanup of the Tuba City Highway 160 site;
- Cleanup of the Tuba City dump;
- Remediation of groundwater contamination at the three mill sites; and
- Conduct of one or more case control studies of health risks faced by individuals residing near mill sites or abandoned mine sites.

We request that you provide the Committee with your agency's draft 5-year action plan by February 19, 2008. If you have any questions regarding this request, please contact Jeff Baran or Andy Schneider of the Committee staff at (202) 225-4407.

Thank you for your continuing cooperation in this matter.

Sincerely,



Henry A. Waxman  
Chairman



Tom Davis  
Ranking Minority Member

cc: Mr. Jim Nussle  
Director, Office of Management and Budget