

Testimony of Stephen Etsitty

My name is Stephen Etsitty. I am a member of the Navajo Nation and the Executive Director of the Navajo Nation Environmental Protection Agency. It is my privilege to be here this morning representing the Navajo people and the Navajo Environmental Protection Agency. The “legacy” of past uranium mining and processing blankets the Navajo Nation from the Eastern Agency communities of Smith Lake and Ambrosia Lake, to Church Rock, near Gallup, on up to the northern region near the four corners area that includes the Navajo communities of Shiprock, New Mexico and Cove, Arizona, across the beautiful Chuska mountains to my home area of Lukachukai and from there westward to Tuba City and Cameron, only a few miles from the Grand Canyon. All of those areas, all are a part of what we refer to as Diné Bikeyeah, and all have suffered and continue to suffer the health and environmental impacts from past uranium mining and processing.

This unfortunate legacy resulted from several past activities, uranium exploration, the mining of uranium, either underground or open pit mining, and the processing of the mined uranium done at facilities producing yellow-cake for the United States nuclear weapons arsenal. The legacy lingers due to the current slow pace of cleanup of known contaminated sites.

There are four former uranium processing sites spread across the Navajo Nation at Church Rock, Shiprock, Mexican Hat and Tuba City. All of these sites were decommissioned by the United States government, meaning that the radioactive mill tailings were capped with clay and rock and left in place at or adjacent to the former mill site. None of the sites were lined meaning that there was nothing placed underneath the

radioactive materials to keep the radioactive waste from leaching into the groundwater, and, we believe that is exactly what is happening today. We know there is radioactive and chemical groundwater contamination under all of these sites and that in Tuba City and Shiprock the contamination is moving towards municipal drinking water wells. We know the federal government is working on that contamination and claims that things will be better in twenty or thirty years. We also know that it would be extremely difficult, if not impossible to construct a solid waste, not to mention a hazardous waste, landfill in your home state today in accordance with current environmental laws and regulations unless that landfill was built with a liner to protect the underlying groundwater. Yet, in my homeland, the Navajo Nation, we have what amounts to four unlined radioactive waste dumps threatening our groundwater.

Not one of the four mill sites have been properly remediated with contaminants removed from the living areas of the Navajo. As we gather mounting evidence that these unlined landfills seep uranium waste into our groundwater, we watch the federal government dig up and properly remediate a similar site located near Moab, Utah, which is outside the borders of the Navajo Nation. Why is this not happening on the Navajo reservation? Are we seeing environmental injustice in action once again?

With reference to former uranium mining we know that there are over 600 former uranium mining sites either on or within one mile of Navajo lands and that there are over 1200 site features, such as contaminated waste piles, associated with these sites. Although many of these site features have been reclaimed, meaning that mine shafts have been sealed and other physical site dangers addressed, only one of the abandoned mine

sites has been thoroughly assessed in accordance with U.S. EPA Superfund program protocols and that assessment has only been completed within the past year.

Waste from the mines and mills found their way over the years throughout the Navajo Nation. Radioactive building materials have been found in Navajo homes. Grazing animals sip water from contaminated ponds. A public highway, state road 566, became contaminated with radioactive materials spilling from mining trucks.. A Geiger counter held while driving that highway today will click and scream, revealing a radioactive public transportation corridor.

But these statistics alone do not tell the full story. I'd like to share with you two stories which illustrate the efforts being made by the Navajo people to address deadly contamination that has been largely ignored by the U.S. government. The stories involve the communities of Tuba City, located near Flagstaff, Arizona and Church Rock, located near Gallup, New Mexico. I will start with a demonstration involving samples of radioactive contaminated soils we've had shipped here from the Tuba City/Rare Metals UMTRCA site. These samples were obtained by our consultant Dr. Bill Walker. Navajo EPA was left with no choice but to initiate its own site investigation, thereby depleting limited Navajo funds, after U.S. EPA refused to move forward with its own assessment of the area. Let me demonstrate for you how we detect radio-active contaminants in soils. The report we brought here with us is Dr. Walker's report and it alone has allowed us to move forward to begin a more thorough environmental assessment in the Tuba City area. We're leaving you some copies not only for its scientific content, but also as a symbol for the fact that any progress occurring in both the Tuba City and Church Rock areas results from Navajo initiative, not federal initiative.[Demonstration]

The sounds that you have heard come from an instrument called a Ludlum 19 and show that Navajo families are living within a few hundred yards of materials that we're told we shouldn't be exposed to for longer than an hour.

So the story about Tuba City is that it took Navajo funds, Navajo EPA employees and Navajo local residents to get U.S. EPA's attention and get them to admit that something needs to be done to protect Navajo citizens.

The same thing happened in Church Rock. Local Navajo residents were able to wrestle a small grant from a non-profit organization and initiate the Church Rock Uranium Monitoring Project (CRUMP). Think about that. Lacking a properly-funded U.S. EPA investigation, local Navajos took it upon themselves to carry radiation detection devices across former uranium mining and processing sites. As a result of their work and with the help and encouragement of the Navajo EPA, U.S. EPA finally recognized the need for emergency action and recently completed the excavation of approximately five to six thousand cubic yards of radium contaminated soils located next to, and in some cases inside of Navajo residences. That's the good news. The bad news is that 300,000 cubic yards of the toxic waste remains on site.

Both of these stories involve problems that are just now beginning to be addressed. I'm sure you understand that for the families living next to these toxic substances it's difficult for them to see a great deal of progress. I'm here today not only as a spokesperson of the Navajo government, but also as an individual Navajo who has walked across these sites, come to know these families, felt their anger, heard their stories of unexplained cancers, kidney failures, birth defects and sores that don't heal. This pitiful response to an obvious disaster must end. Please accept that the Navajo Nation

has proven that it is capable of being a true and equal partner with the United States in restoring the Navajo land and people to hozho (harmony). But we can't do it with our current woefully under funded budget and diminishing resources. We can't continue to have to beg the U.S. government for help only to be rejected and have to prove time and time again that we know our land better than the federal authorities.

We opened the borders of our land for uranium mining in an act of patriotism during the Cold War Era. Now we are left with a legacy of uranium contamination without substantial federal monetary help. Navajo patriotism and Navajo per capita contributions to American armed forces are now, and always have been unsurpassed. It's time for America to support the people who support America. We are a people who have a treaty with the government of the United States. The treaty of 1868 is sacred to my people. We have always honored our obligations under that treaty. The presence of unpermitted, unlawful hazardous waste dumps on our land amounts to a taking of our land in violation of this treaty. We now look to the government we have faithfully served to honor its obligations.