



The Navajo Nation **DR. BUU NYGREN** *PRESIDENT*
Yideeskáądi Nitsáhákees **RICHELLE MONTOYA** *VICE PRESIDENT*

Transmitted via email to: Joe.Russell@kelly.senate.gov

February 9, 2024

The Honorable Mark Kelly
United States Senate
516 Hart Senate Office Building
Washington, DC 20510

Re: Navajo Nation Support for Proposed CERCLA Amendments

Dear Senator Kelly,

On behalf of the Navajo Nation, I write to express our strong support for the proposed bipartisan amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (“**CERCLA**”). These amendments represent a critical step forward in enhancing accountability among federal agencies tasked with the remediation of abandoned hard rock mines, particularly the 523 abandoned uranium mines (“**AUMs**”) located within Navajo Nation lands.

The establishment of the United States Environmental Protection Agency (“**USEPA**”) Office of Mountains, Deserts and Plains, coupled with mandated regular and thorough reporting to congressional committees, is essential to ensuring that the federal government upholds its obligations to address the long-standing contamination and associated health concerns of the Navajo Nation stemming from these AUMs.

We are grateful for the opportunity to have contributed input to the draft language of the proposed amendments last year and are eager to continue collaborating by providing further information to bolster the proposed legislative changes.

Historically, the Navajo Nation has seen the benefits of congressional attention to the issue of AUMs, notably through two prior congressional hearings. In 2008, a multi-agency plan was initiated, spanning several years, to tackle the various problems arising from the legacy of radioactive waste. This initiative has led to increased funding for federal agencies and has forged specific commitments to improve direct coordination with the Navajo Nation.

During the initial 5-year plan, federal agencies reported progress to the House Oversight and Government Reform Committee. Currently, we are operating under a 10-year plan (2020-2029), with the USEPA retaining leadership over the collaborative agency efforts and enhancing its focus on the top-priority cleanup activities for 60 AUMs. While inter-agency coordination has

improved, there is a noticeable decline in the level of accountability to Congress and the Navajo Nation over the last twelve years.

For instance, the USEPA's response to your 2023 request for an update on the Tronox Settlements—an approximate \$1 billion fund allocated for the remediation of fifty-five AUMs, primarily on Navajo land—revealed significant challenges in areas such as financial management, community engagement, waste disposal options, and the adoption of new technologies.

In our ongoing work with the USEPA, we have emphasized the necessity for enhanced community involvement and the expeditious development of sustainable long-term waste disposal solutions. The absence of a comprehensive suite of remedial options in the Engineering Evaluation/Cost Analysis documents preceding USEPA's remedy decisions has increased pressure to allocate additional land for on-site waste encapsulation. However, we are hopeful that recent discussions about innovative technologies may lead to reduced waste volumes, improved groundwater protection, and cost savings, ultimately resulting in safer and more timely remediation outcomes.

I extend my personal thanks for your efforts to ensure USEPA's accountability regarding the Tronox AUMs. I kindly urge you to maintain collaboration with the Navajo Nation to secure the passage of these crucial CERCLA amendments. Additionally, I request that you keep us apprised of any relevant discussions amongst congressional members, allowing us to support advocacy efforts on the hill.

We greatly appreciate your dedication and leadership in advocating for the wellbeing of the Navajo people and for addressing the legacy of contamination from AUMs on our lands. Should you or your team require further information or assistance, please contact Mr. Justin Ahasteen, Executive Director of the Navajo Nation Washington Office at jahasteen@nnwo.org or call (202) 682-7390.

Sincerely,



Dr. Buu Nygren, *President*
THE NAVAJO NATION