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**Written testimony of J. Michael Chavarria
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“America’s Nuclear Past: Examining the Effects of Radiation in Indian Country”

**Senate Committee on Indian Affairs
Oversight Field Hearing
October 7, 2019**

Introduction. Thank you Chairman Hoeven, Vice Chairman Udall, and Members of the Committee for the opportunity to provide testimony on this critically important topic addressing the impacts of the nation’s nuclear history in Indian country.

My name is J. Michael Chavarria and I am the Governor of Santa Clara Pueblo located in north-central New Mexico and am testifying today in that capacity. I also have the honor of serving as the Chairman of the Eight Northern Indian Pueblos Council and as Vice Chairman for the All Pueblo Council of Governors.

This is a topic that is quite important to many different Tribes and Pueblos in New Mexico because of the very direct history the development of nuclear weapons plays in our little part of the world. I do not know that any amount of clean up or compensation can ever reclaim the cultural losses or fully address the health effects suffered by the peoples of Laguna Pueblo for the Jackpile Uranium mine on Laguna lands, or for the many continuing effects of uranium mining felt by Acoma, Zuni, and Navajo peoples, but my testimony today will focus more on issues related to my Pueblo and other Pueblos that are near Los Alamos National Laboratory, also known as LANL.

Key Background regarding LANL and its relationship to surrounding Pueblos. Originally referred to as “Site Y,” what is now known as LANL (the laboratory’s official name has changed over the decades) was opened in the town of Los Alamos in 1943 with a single mission at that time -- to design and manufacture the world’s first atomic weapons. LANL succeeded in that mission. The so-called “Fat Man” device was tested at the Trinity Site in the Tularosa Basin of New Mexico on July 16, 1945 and then the bomb was dropped on Japan less than a month later.

Los Alamos is one of three “secret cities” that sprang up seemingly overnight as part of the Manhattan Project to support the efforts of the U.S. Government to develop and test nuclear weapons. The Manhattan Project was so secret at its inception that knowledge of the project was even kept from then-Vice President Harry S. Truman.

LANL was built on a very beautiful volcanic plateau known as the Pajarito Plateau and is essentially encircled by four different Pueblos -- Jemez Pueblo, the Pueblo de Cochiti, the Pueblo de San Ildefonso, and Santa Clara Pueblo. The Pueblo de San Ildefonso shares a direct border with the lab. However, maps reveal that, in the early days of the Manhattan Project, LANL once shared a boundary with Santa Clara Pueblo at a location called “Area E” within “Site Y.” In fact, members of our Pueblo recall explosives testing occurring during the Manhattan Project and feeling shock waves from those tests at Santa Clara. Our Pueblo’s current closest border to LANL is approximately 5 miles as the crow flies from the current-day boundary of LANL. It has been well-documented that Santa Clara Pueblo is in the path of the prevailing winds of LANL. We are thus part of the LANL down-winders.

Since time immemorial, ancestral Puebloan people occupied extensive areas of the Pajarito Plateau including areas of the plateau that eventually became LANL. The Pueblos of Cochiti, Jemez, San Ildefonso, and Santa Clara, as well as other Pueblos in the region, continue to actively use and rely upon the plant, animal, and water resources of the area for a variety of purposes including food, medicinal needs, traditional practices, production of crafts, and ceremonial purposes. There are concerns about the health effects of conducting activities in this area, but we as Pueblo people must maintain our traditions. It is not optional.

It is also important to remember that Pueblo people are land-based people. Although each Pueblo is unique in its traditions, our shared values are based on the fundamental belief that all people are inherently interconnected with the land. We believe all of the natural ecosystems must be respected and cared for so that all peoples remain healthy now and into the future. When this sacred area of the Parajito Plateau was seized by the U.S. Government for the Manhattan Project, the Pueblo peoples were denied access to areas of traditional and cultural importance that had been respected and cared for by our ancestors. Being denied access to sacred areas so that weapons of destruction could be developed in those places is an upsetting part of our history.

Moreover, LANL’s mission continues to include the development of plutonium pits for nuclear weapons which continues that cycle of destruction. The Pueblos are patriotic people and we care deeply about protecting the national security of the United States, but using such a sacred area to promote destruction is an on-going harm that Pueblo people feel in our hearts. To help heal that hurt, we at Santa Clara Pueblo are trying to find ways to promote clean-up and restoration of the natural resources that were injured by LANL and upon which we depend for our on-going traditions through collaborative processes with the Federal Government and the State of New Mexico.

Past Federal Efforts to Examine Radiation Impacts of LANL on surrounding communities.

In 1998, the Department of Energy (DOE) provided funding to the Centers for Disease Control and Prevention (CDC) to begin a study of records at LANL to better understand whether radioactive materials known as radionuclides and other toxic chemicals were released into the

environment by the lab during its historical operations in the 1940s through 1960s, and to gather the applicable documentation in one place to support doing an off-site dose assessment. The CDC began the “Los Alamos Historical Document Retrieval and Assessment Project” (LAHDRA) in 1999 and continued its work through 2009. In 2010, the CDC, through its contractors, presented its LAHDRA report to the public, an official “community summary” of which is attached to this testimony for the record. The CDC’s study team indicated in the report that they compiled enough information to reconstruct public exposures resulting from the most significant of LANL’s historic releases to allow health professionals to assess the extent of measurable significant health effects – effects that the Pueblos remain deeply concerned about today.

The report summarized a wealth of historic documents about areas of radiation exposure and included a preliminary conservative screening analysis of potential exposures to certain key radionuclides of greatest concern. The LAHDRA report confirmed that airborne plutonium releases were higher at LANL in the 1940s and 1950s than earlier reports had indicated and should be prioritized for further analysis. The report described how plutonium was processed in crude facilities during World War II and how many of the exhaust systems for those facilities were unfiltered. The report also stated that “LANL was unusually slow in implementing the use of high efficiency particulate air (HEPA) filters on the exhaust systems of plutonium facilities.” (LAHDRA Community Summary, page 10.) In addition to plutonium, the CDC also recommended that tritium and uranium be part of the radionuclides that should be considered in further analyses of impacts from historic releases. The CDC indicated that a possible next step to address impacts on surrounding communities could include conducting a more detailed dose reconstruction for all or a selected set of releases and locations identified in the report.

Dose reconstructions involve developing methods to assess and estimate environmental doses and to determine risk of environmental exposures through selected calculation methods. The CDC had no funding to proceed to this next important step, however. Some efforts were made back in 2010 to secure that funding but the efforts did not succeed, even though the information a formal dose reconstruction could provide is still very much needed and should be considered by Congress now.

Need for additional federal funds to assist the Pueblos near LANL in fully understanding impacts of radionuclide releases at LANL. We still have unfinished business from the CDC’s LAHDRA report. There is still a need for a formal dose reconstruction study to be done to help both Native and non-Native communities surrounding LANL understand the health impacts of radiation releases that occurred in the early years of LANL before environmental laws went into effect. This is important information that the Pueblos still need to know even though some of the Pueblos are conducting human health risk assessments using more recent data. The CDC, through the LAHDRA work, gathered the necessary information demonstrating that airborne plutonium releases were high during historic LANL operations. Inhalation of plutonium particles is a concern because plutonium particles can imbed in the lungs and emit alpha and gamma radiation for many years and increase the risk for certain cancers. Our Grandmas and Grandpas who inhaled these plutonium particles may have already passed on but we are still owed that information as Pueblos whose ancestral lands were seized for the production of this plutonium.

In addition, more funding is needed to assist the on-going efforts of the four Pueblos closest to LANL to collect and analyze more recent data and to participate in collaborative processes to restore natural resources of cultural importance to us that were injured by LANL radionuclide releases. The four Pueblos that are closest to LANL -- Cochiti, Jemez, San Ildefonso and Santa Clara -- all receive limited funding from the DOE through a program known as the Los Alamos Pueblos Project or LAPP. LAPP funding helps the four Pueblos collect data and conduct their own analyses and provide oversight of various processes addressing LANL. In addition, DOE provides very limited funds to allow the four Pueblos to participate in the LANL Trustee Council along with the DOE, the U.S. Department of Agriculture, and the State of New Mexico. The LANL Trustee Council is working cooperatively to conduct an assessment of natural resources potentially affected by releases of contaminants from LANL. The end goal of the LANL Trustee Council's work is to restore any injured natural resources to the condition they would have been in but for the release of the hazardous contaminants. Based on the constraints of CERCLA, however, the LANL Trustee Council has to focus more of its work on LANL releases since the 1980s and cannot fully embrace all of the historical releases of concern from the early days of the lab's operations.

These processes through the LAPP program and the LANL Trustee Council will help the four Pueblos to better understand the Western science impacts of radionuclide releases at LANL but the Pueblos would be greatly benefited by additional funds to do this important work. The funding from DOE is appreciated but it is woefully inadequate. The Department of Interior (DOI) will not contribute funds for the four Pueblos to participate in the LANL Trustee Council even though DOI funds natural resource damage assessment work of other Tribes across the nation. DOI has taken this position because the potentially responsible party for the hazardous releases in this case is a sister federal agency, DOE.

Thus, the four Pueblos really are at a disadvantage compared to other Tribes in having the financial and technical resources to fully assess impacts of radionuclide releases at LANL. This is an area where Congress can help with additional funds. Congress can also help by finally authorizing and funding a true dose reconstruction at LANL to address what the CDC has already identified concerning historical radionuclide releases from the early days of LANL.

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Thank you for your consideration of this testimony. We look forward to working with Congress, the DOE, and other appropriate federal agencies to address these critical issues.