

American Diagnosis Podcast

Season 4 Episode 4: *Abandoned Mines, Abandoned Health – Part II*

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TRANSCRIPT

Céline Gounder: Hey, everyone, just a quick note that this episode is the second of a two-part series. Lots of the history and backstory for this episode is there in Part I. It’s already in your podcast feed. We think you’ll get more out of this episode if you listen to that one first. OK, enjoy the show!

(Music up)

Céline Gounder: Linda Evers bought a house on the edge of the Navajo Nation in Grants, New Mexico. Her drinking water came from a well. But when she turned on the tap, she noticed something unsettling about it.

Linda Evers: I put it in my animals’ buckets, and, 24 hours later, it was black and had floaty things in it.

Céline Gounder: Her plants didn't like it either.

Linda Evers: Well, I was trying to water a garden with it and [it] just kept turning my plants black and they’d die.

Céline Gounder: Linda says the home she bought was a half-mile from a former uranium mill. Next to the mill are two tailings ponds. A tailings pond is where wastewater and other byproducts of processing uranium are stored.

Linda — who’s in her 60s —grew up in Grants. It felt like everyone worked in uranium back then. She went to work for Kerr-McGee Nuclear Corporation in 1976, she says.

Linda Evers: When you're 18, right out of high school, and you can make thousands of dollars a month just working 40 hours a week. ... It was real easy to go to work out there.

Céline Gounder: But, Linda says, she started to feel differently about the job once she started working at the mill. She says health problems plagued her young family. A doctor told her that

radiation exposure might be the cause, she says. And, when the industry took a downturn in the 1980s, Linda says she was laid off.

She moved away for 20 years and when she returned to her hometown of Grants, uranium mining felt like something from the past. She thought the risks of working in uranium were behind her.

Linda Evers: When I came back, and that place was for sale, I couldn't have been happier because I was under the impression they had cleaned it up.

Céline Gounder: But when her plants started dying, and her water just didn't seem right, Linda started looking for answers. She didn't like what she found.

Linda Evers: I live across the street from a tailings pond that's never been reclaimed.

Céline Gounder: The Homestake uranium mill, which is only a half-mile from Linda's home, is a Superfund site. That's the shorthand for the government program designed to clean up the worst hazardous waste sites. According to the U.S. Environmental Protection Agency, wastewater from the Homestake tailing ponds seeped into the aquifer below.

Linda was shocked.

Linda Evers: Nobody said a word about it. I didn't realize I still had contaminated water until I already spent my money and was living there.

Céline Gounder: She says she asked the U.S. Environmental Protection Agency to test her well water.

Linda Evers: And they send me a letter that said my well water met the acceptable level set by the EPA.

Céline Gounder: Linda didn't believe it.

Linda Evers: So I got a jar and I filled it up with my well water and I took it up there to the EPA kid and I set it on his desk and said, "Here, you drink it first."

Céline Gounder: She says the official stared at her, and then ...

Linda Evers: He got a rubber glove out of his desk and took the jar and set it outside of his door. And when he came and sat down and took his rubber glove off, he told me he was just telling me what the EPA said was acceptable levels.

Céline Gounder: Linda was angry.

Linda Evers: He wouldn't even touch the jar without a rubber glove, but I was supposed to feed that to my 9-month-old grandbaby?

Céline Gounder: People living on and near the Navajo Nation have been grappling with the legacy of 40-plus years of uranium mining. According to EPA cleanup reports and congressional hearings, mines were abandoned, radioactive waste was left out in the open, groundwater was contaminated.

Linda Evers: It's just a disaster. And that's the best word I can come up with ... without a long string of cuss words.

(Music theme up)

Céline Gounder: In our last episode, we heard about the history of uranium mining on and around the Navajo Nation, and how the federal government responded to those who said they were harmed by it.

Archival tape of Wayne Owens: Today we provide a formal apology and a compassionate payment to those few victims who survived and to the living heirs of those who did not.

Céline Gounder: That was former congressman Wayne Owens of California talking about the Radiation Exposure Compensation Act, or RECA, on the House floor.

RECA provided compensation for some uranium workers and civilians exposed to nuclear testing ... but it wasn't the end of the story. RECA left out many workers — including Linda — from compensation. And even if the uranium industry is largely gone, residents say what *is* left behind still haunts the land and its people.

In this episode, we'll look at what a coalition of Indigenous leaders and non-Native locals, like Linda Evers, are doing to force the clean-up of these hazardous sites and get compensation for their medical bills.

Linda Evers: We were just trying to find as many people as we could that had the same sicknesses and illnesses that we did, hoping that if we generated enough interest, that we could make Washington pay attention, to include us in the RECA.

Céline Gounder: But RECA is set to run out of funds this summer, unless Congress acts.

Sen. Ben Ray Luján: People will die. People will be left without. Some may lose their homes. All will lose benefits.

Céline Gounder: And what's at stake as plans for new uranium sites are being proposed on or near Indigenous lands.

I'm Dr. Céline Gounder and this is *American Diagnosis*.

[theme out]

Céline Gounder: The Radiation Exposure Compensation Act set aside money for people who got sick after working with uranium. Workers could get as much as \$100,000.

Linda says she worked in uranium mines and mills for six years. But she can't apply for RECA money. Not because she wasn't exposed to radiation, uranium, and other dangerous materials. It's because of when she started working — 1976.

Linda Evers: The cutoff date is Dec. 31, 1971. Well, the peak of uranium mining in this area was in 1979.

Céline Gounder: The government's argument is that, after 1971, the United States wasn't buying processed uranium anymore. By then, the private sector was the main purchaser of uranium for domestic nuclear power. Linda couldn't care less.

Linda Evers: It's just such a bogus, lame excuse. It doesn't matter who bought it or when. You guys were responsible for our safety and always have been.

Céline Gounder: And Linda says there's another problem with RECA. Linda told me she has had breast cancer — *twice* — and was diagnosed with degenerative joint and bone disease. She's lost all of her teeth. And — she told me both of her children were born with birth defects. RECA doesn't cover Linda or her kids for any of this.

Linda Evers: That doesn't make any sense to me.

Céline Gounder: Phil Harrison knows this frustration, too. Phil is Diné and a former uranium miner. The fight for compensation is personal for Phil.

Phil Harrison: My father mined for over 20 years and, uh, he died from lung cancer at the age of 44.

Céline Gounder: His father's death set Phil on a path to get help for those hurt by uranium mining. Today, Phil is president of the Navajo [Uranium] Radiation Victims Committee.

Phil Harrison: Before the mining, we didn't have people dying just like every other week and, and this thing was just really sad when we started seeing people, you know, leaving us.

Céline Gounder: The EPA says more than 1,400 Diné uranium workers have been awarded compensation under RECA. Phil thinks that number should be much bigger. Even workers with qualifying illnesses struggle to get compensation, he says. Why? Paperwork. Many former miners, millers, and ore drivers can't prove they ever worked with uranium.

Phil Harrison: Many of them have inconsistent work history. They were being paid cash. There's no record on their Social Security. So when you don't have anything, you can't get paid.

Céline Gounder: Phil says this is creating disparities in who can claim benefits. According to a Department of Justice budget report, just over 15% of the RECA awards to date have gone to Native Americans.

Phil Harrison: Nobody had birth certificates, nobody had marriage licenses. They all got married under a shade tree. And nobody writing. That's the reason why that we're getting a low percentage of compensation that was paid to the Navajo people.

Céline Gounder: Phil says many people, including his own father, died before their claims were approved.

Phil Harrison: Many of them have given up, they say, “What’s the use of doing this. I am too weak. I don't have the energy to do it.”

Céline Gounder: But Phil and Linda do. Phil has been helping former workers navigate the claims process. And Linda set off to show that people who worked with uranium after 1971 were just as sick as those who worked with it before. Linda, who is white, works with a broad coalition of people including Indigenous groups advocating for RECA expansion and radioactive cleanups in the area. She co-founded the Post '71 Uranium Workers Committee.

Linda Evers: We were just trying to find as many people as we could, that had the same sicknesses and illnesses that we did hoping that if we generated enough interest, that we could make Washington pay attention, to include us in the RECA.

Céline Gounder: Linda and others got organized. They started collecting all the information they could.

Linda Evers: Well, we put this survey together — and, you have to understand, we're a bunch of old miners and millers.

Céline Gounder: Linda and the other former workers got help with the survey from the Southwest Research and Information Center and the Southwest Studies Department at Colorado College.

Linda Evers: So we asked the questions that we wanted answers to. Where did you work? How long did you work? What health issues do you have? Are you sick? What are you sick with? What was your safety equipment like? What did they go over at your safety meetings? Stuff like that.

Céline Gounder: More than 1,000 former uranium workers responded with health information. Seventy-two percent reported one or more uranium-related medical conditions recognized by federal agencies. Thirty percent of female workers and 40% of female spouses reported one or more reproductive disorders. Things like miscarriages, stillbirths, or children with birth defects.

Seventy-nine percent said they weren't given adequate training or education about the health dangers or how to protect themselves. Linda says she saw this herself:

Linda Evers: When we had safety meetings, it was about regular first aid. How to treat a burn. If you break your leg, do this. There was no mention of radiation, or any of the side effects, ever mentioned.

Céline Gounder: The fight for compensation and remediation includes a push for environmental impact studies. Former workers opposed to uranium mining say there's a lack of information about the long-term impacts of the mining industry on their health. Larry King is one of them. Birds were chirping outside as I spoke with Larry at his home.

Larry King: I've lived here most of my life. This is my dad's side of the family's grazing area.

Céline Gounder: Larry is Diné and a former mine worker at United Nuclear Corporation's Northeast Church Rock mine. He's from Red Water Pond Road, New Mexico, a small community that sits between two former uranium facilities.

In 1979, there was an accident at the Northeast Church Rock facility where Larry worked. It released radioactive wastewater that traveled downstream nearly 100 miles, according to reports at the time. A 2021 report from the EPA described it as the largest radioactive release in U.S. history.

Larry testified before Congress that that same spill contaminated his family's grazing land. He described the water as "yellow" and "foul-smelling."

In 2003, the local Church Rock Chapter got grants to conduct field studies on the lasting impacts of uranium mining in the region. Eventually, they received support from the EPA, too. It was called the Church Rock Uranium Monitoring Project.

Larry King: The CRUMP survey.

Céline Gounder: The CRUMP survey. Dozens of local volunteers worked alongside the EPA and other environmental scientists and researchers to study the air, water, soil, and homes in Church Rock. They were trying to find out what the levels of radiation were in areas outside the mines and mills. Places like roads, homes, and animal grazing lands.

Larry volunteered to help. After all, his family's grazing lands were going to be part of the study. He remembers riding in a van outfitted with radiation-detection equipment on the roads near his home in the Red Water Pond Road Community.

Larry King: So, the scanner van was driving slowly on the shoulder of the road, on the right side.

Céline Gounder: Picture a white, unmarked mail truck. If someone were to open the back doors, they'd find large machines designed to detect gamma radiation.

Larry King: So every time the monitoring board inside this van gave a signal that it was receiving some readings of radiation, it would stop.

Céline Gounder: When the van stopped, Larry and other volunteers would get out of their vehicles and line up 1 meter apart. Then, with small radiation detectors in hand, they'd start walking.

Larry King: And we walked from the shoulder of the road to the highway Right Away fence, about a hundred feet.

Céline Gounder: They color-coded the data they collected.

Larry King: Just like the traffic lights here. It's red, yellow, and green.

Céline Gounder: Green means normal radiation. Yellow notes higher levels, but still safe. But if you see red, STOP. That means the radiation levels exceed the safe limit set by EPA.

Larry King: In front of the mill site, it was red. All the way to the mine site, it was red. So it's red all the way from my area, which is about 5 miles southwest of the mill site. And that's how we found out that a certain section of the highway was highly contaminated.

Céline Gounder: The CRUMP report released in 2007 noted elevated levels of radiation on the roads near the mines 25 years after mining and milling had stopped in the area. The CRUMP researchers didn't just find high levels of radiation on the road. Judy Pasternak is a journalist formerly with the Los Angeles Times. She's the author of "Yellow Dirt: A Poisoned Land and the Betrayal of the Navajos."

Judy Pasternak: I found this later, but others found this before me. A TV crew once doing a feature about the mines in one area was done with their work and had gotten invited back to somebody's home. And the guy turned on his radiation detector, a guide from the crew, and it just started going crazy: *Beep, beep, beep, beep, beep, click, click, click, click, click.*

Céline Gounder: The radiation was coming from *inside* the home. Judy reports in her book that leftover materials from the mines and mills were being used to build homes on the Navajo Nation.

Judy Pasternak: What was happening is these houses were becoming like little mines because the radon would build up.

Céline Gounder: When uranium breaks down over time, it releases a radioactive gas called radon. According to the EPA, it's the second-leading cause of lung cancer in the United States.

Judy Pasternak: Uranium tailings had a reputation for making *really* smooth, nice cement. And so it ended up in homes, it ended up in foundations. They built bread ovens out of it. They built patios. So what happened is they made these floors and most people didn't have beds. They just unrolled their sheepskin on the floor, so they were sleeping right on this material.

Céline Gounder: Phil Harrison even remembers seeing old mining equipment in people's kitchens.

Phil Harrison: They used dynamite boxes for their cupboards. They would bring it and put it ... as cupboards. You'd put your stuff in there.

Céline Gounder: A quarter of all the homes studied in the CRUMP report had high radon levels. Drinking water was also affected. Out of the 17 wells they tested, *none* were recommended safe for drinking.

Céline Gounder: As this information became more widely known, pressure was building for more action. On April 30, 2005, Navajo Nation President Joe Shirely Jr. signed a bill banning new uranium mining and processing on Navajo lands.

The CRUMP study was attracting attention from the EPA. But tribal leaders were frustrated with what they saw as a lack of progress. Journalist Judy Pasternak started her research for the articles she would publish in the Los Angeles Times around this same time.

Judy Pasternak: A number of different agencies were meeting quarterly with the tribe to discuss the issues, and as this one person put it, the agenda was always the same and nothing ever changed. I went to one just as I was starting my own reporting to kind of get a sense of what was going on. And the president of the Navajo Nation came to the meeting, walked in, and said,

“Why do we keep even having these?” And he left. I mean, he went to the podium and said that. He said, “It’s just words. We need some action,” and he left.

Céline Gounder: But Judy did find some examples where authorities took action to protect health. Like Grand Junction, Colorado, where the U.S. government milled uranium. That was another community where people had used materials from local mines and mills in their homes.

Judy Pasternak: When that was discovered in Colorado, there was a major effort to go house to house to test people's houses. There was a removal project. Sometimes people got extra amenities, like a better electric surface. And at the same time, on Navajo, there were these big tailings mountains that were unprotected by fences or anything.

Céline Gounder: Judy speculates why there was such a different approach in these two cases.

Judy Pasternak: The local congressman was very powerful and, you know, Grand Junction was white ... um, I don't know, but certainly didn't have the clout that the Navajo reservation had.

Céline Gounder: But in 2007 that lack of support in Congress was about to change.

Archival tape of Rep. Henry Waxman: We're looking at an instance where the government has never worked effectively. It has been a bipartisan failure for over 40 years. It's also a modern American tragedy.

Céline Gounder: More on that after the break.

[MIDROLL]

Céline Gounder: The Navajo Nation was demanding action from the federal government, but it seemed no one would listen. That is, until former congressman Henry Waxman of California read Judy Pasternak's reporting in the Los Angeles Times about the legacy of uranium on Navajo Nation.

Judy Pasternak: He thought that members of the delegations that represented the Navajos would probably do something. So he waited for a while and then they didn't. So he held the hearings.

Archival tape of Rep. Henry Waxman: Meeting of the committee will please come to order.

Céline Gounder: Representative Waxman held the hearing on Oct. 27, 2007.

Archival tape of Rep. Henry Waxman: The primary responsibility for this tragedy rests with the federal government, which holds the Navajo lands in trust for the tribes. If a fraction of the

deadly contamination the Navajos live with every day had been in Beverly Hills or any wealthy community, it would have been cleaned up immediately. But a different standard applied to Navajo lands. Half-measures and outright neglect has been the official response.

Céline Gounder: Phil Harrison was part of a group of Diné uranium workers who traveled to D.C. to testify at the Waxman hearings. Phil had been to D.C. before. He had lobbied lawmakers to support uranium cleanups on the Navajo Nation. On those first trips, he was living with kidney failure. He had to be on dialysis.

Phil Harrison: I would do my meeting in the mornings and then they would rush me over to the clinic. I'd be over there for the evening. Next day, I'd be in another meeting. Two days later, I'd be back on dialysis again.

Céline Gounder: By the time of the Waxman hearings, Phil had gotten a new kidney from his sister and didn't need dialysis anymore. Testifying in front of Congress would be his biggest stage yet.

Archival tape of Rep. Henry Waxman: I look forward to hearing from our witnesses and to working with all of them to correct this unacceptable situation as quickly as possible.

Céline Gounder: Phil told the committee he spent his childhood and much of his adult life exposed to uranium waste in the community.

Phil Harrison: We used to play on the radioactive piles. We used to slide down. We used to go into mines. And the ore piles were right next to the homes.

Céline Gounder: Phil told the committee he believes his kidney failure and other health issues are because of a lifetime of exposure to uranium mines and radioactive waste. Phil was joined by Larry King and others that day.

Phil Harrison: Seven of us testified, and, based on that, they gave a directive to federal agencies who said, "OK, EPA, BIA [Bureau of Indian Affairs], Nuclear Regulatory Commission. This is what we're going to do."

Céline Gounder: Their testimony helped push through a five-year cleanup plan. Over the years, funds were also provided for people who no longer wanted to live on the contaminated land. But many wanted to stay. For them, dozens of contaminated homes were replaced.

Judy Pasternak: I spent this one day going with the EPA and a woman from the Navajo Nation EPA giving people keys to their new safe places. And that was really cool. And they were ... just very touched and, clearly, they made a point of noting that this was the first time that the government had kept a promise, and it was very emotional.

Céline Gounder: The clock is still ticking. RECA — the compensation funding for former uranium workers — is set to expire in just a few months, unless Congress acts. Sen. Ben Ray Luján of New Mexico is working to make sure that doesn't happen.

Sen. Ben Ray Luján: Thousands of families will have a door closed on them that depend on this program. People will die. People will be left without. Some may lose their homes. All will lose benefits. This is an injustice created in and by the United States of America that must be addressed.

Céline Gounder: The Radiation Exposure Compensation Act Amendments of 2021, which is co-sponsored by Sen. Mike Crapo of Idaho, would extend RECA for 19 years. It would expand the kinds of illnesses eligible for compensation and would include people previously not covered. Workers like Linda Evers, who were exposed to uranium after 1971.

Sen. Ben Ray Luján: One of the others is there was a Navajo elder, a woman who came to testify in our nation's Capitol. And she had the courage to confront every member of the U.S. House that she was testifying to, and she asked, “Are you all waiting for us to die so that the problem goes away?” And I think that's how a lot of families feel.

Céline Gounder: There has been progress. In December 2021, the bill passed out of the House Judiciary Committee with bipartisan support. At this recording, Sen. Luján's office says they hope the RECA extension will be included in an upcoming spending bill.

After the lobbying trips to Washington, D.C., the congressional hearings, and the EPA cleanup plans, fights over the legacy — and future — of uranium mining on Native lands continue today.

Indigenous groups are *still* uncovering pollution from the 1979 Church Rock spill. A Diné researcher, Tommy Rock, led a project funded by an EPA environmental justice grant. It found elevated levels of radioactive material in the drinking water of a school in Sanders, Arizona. According to the EPA, the contamination originated with the spill.

The only active uranium mill in the United States is in southeast Utah. It sits on the edge of the Ute Mountain Ute Tribe's White Mesa community.

But some opponents fear that there are efforts to expand that operation. In 2017, The Washington Post reported that the owner of that mill, Energy Fuels Inc., lobbied the Trump administration to reduce the size of Bears Ears National Monument with the goal of opening new land to uranium mining. Bears Ears holds spiritual and historical significance for the Diné, Ute Mountain Ute Tribe, Zuni, and other Indigenous groups in southern Utah.

The Havasupai Nation in Arizona is part of a group trying to block a new uranium mine near the Grand Canyon. The tribe believes the mine could threaten their drinking water.

And Larry King is still fighting uranium mining in his backyard.

Larry King: In 1997, in the fall, almost towards the end of the year, there was an individual that sought me out and contacted me.

Céline Gounder: Larry says he was contacted by someone from a new organization. They called themselves the Eastern Navajo Diné Against Uranium Mining. They told Larry that the Nuclear Regulatory Commission had issued a license for a new company to mine uranium near Crownpoint and Church Rock, New Mexico.

Larry King: And that's when I found out the Church Rock portion was right in my backyard.

Céline Gounder: Larry couldn't believe it.

Larry King: I said, we still got to deal with all that legacy that was left behind by the mining company. The dam spill, plus all that wastewater flowing through the Puerco Wash for years. You know, that's still fresh in our mind. And I said, "Here we go again."

Céline Gounder: The NRC gave the license to a company called Hydro Resource Inc. That license has since been transferred to a Canadian company, Laramide Resources Ltd.

Larry King: We fought the company for 12 years, and all those issues were ruled against us.

Céline Gounder: During those 12 years, Larry had helped ban new uranium mining on the Navajo Nation. He traveled to Washington, D.C., and testified before Congress about how uranium mining had impacted his community. He helped get money from the federal government to clean up abandoned mines on the Navajo Nation. All the while, he says, the same government had issued a license to restart uranium mining near his home.

Larry King: We didn't want to give up. So our legal council, our legal experts decided, "OK, why not? File with the Inter-American Commission on Human Rights."

Archival tape of Geoffrey H. Fettus: Thank you for coming today. My longtime colleague here, Erik Jance, and my friend Larry King will talk about the specifics of why they're here today.

Larry King: Myself and our legal council, we flew out to D.C. We held a press conference.

Archival tape of Geoffrey H. Fettus: We're here today because the New Mexico Environmental Law center on behalf of the Eastern Navajo Diné Against Uranium Mining has done something

unprecedented. They've essentially been driven to this point. And that is last Friday's filing with the Inter-American Commission on Human Rights.

Céline Gounder: The petition alleges that the U.S. government violated the human rights of the Diné people living in the towns of Crownpoint and Church Rock, New Mexico, when it approved the uranium mining projects. The petition asks all new and pending uranium mining licenses — including the one in Church Rock — be revoked.

Larry King: It was a 50-50 chance. Either they pick up our case or they just let it be.

Céline Gounder: They waited 10 years. And then, in 2021 ...

Larry King: Lo and behold, we were informed that the commission picked up our case.

Céline Gounder: The commission accepted their petition. We reached out to Laramide Resources about their plans for the site and Larry's petition. We didn't receive a response. At this recording, the case is set to be heard as early as this spring.

Céline Gounder: Larry grew up in the Red Water Pond Road Community. He's lived much of his life there. Despite everything that's happened, this is his home.

Larry King: Every day I wake up, I look out towards my backyard, and I look at the natural scenery.

Céline Gounder: And he can see where the mine would be.

Larry King: Just behind that, that's where that small canyon is. This is the Church Rock project. But every day I wake up — I wake up every morning, for several years, thinking I'm always looking that way where they're proposing the ISL mine. And sometimes I don't know what to think. It's just like, I'm not able to enjoy my, my life. It's always in the back of my mind, this uranium mining. It's always in the back of my mind.

[Music up]

CREDITS

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I’m Dr. Céline Gounder. Thanks for listening to “American Diagnosis.”

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