Red Water Pond Community, July 14, 2018
Leah Cantor, Law Center volunteer

Just after dawn, activists and local residents gathered for the annual commemoration of the 1979 Church Rock Uranium Spill. The assembly marched down the old frontage road from the Red Water Pond community meeting area that sits across from the old mine holding bright yellow signs with skull and crossbones and banners that read "keep uranium mining off Native lands." It has been 39 years since the wall of a toxic waste ponds at the Church Rock mill broke, sending 94 million gallons of contaminated sludge rushing through the Red Water Pond Road community down unnamed arroyos and into the Rio Puerco, flooding hundreds of acres of land from Church Rock and Gallup all the way to the Arizona state line. It was the largest accidental release of radioactive material in US history. In contrast to the Three Mile Island spill that happened on the east coast in the same year, the Church Rock spill hardly received media attention. United Nuclear, the company that owned the mine, denied offsite contamination. It took nearly 30 years for the EPA to officially acknowledge the greater human and environmental impacts of the spill and begin reparation efforts. Even today, many of the people affected have not received compensation, and vast swaths of land remain contaminated.

This year's memorial procession stopped at a designated spot about a mile down the road. A group of individuals who worked in the mines at the time of the spill or who grew up suffering the effects of its aftermath stood along the fence against the silhouette of a mesa that marks the other side of the contaminated valley. Edith Hood was a young woman working in the mines in 1979 and has since lost multiple family members to rare cancers. She voiced her frustration that the clean-up process initiated in 2008 stalled only a few years later and has not yet been resumed. "It's just a waiting game, is what it is. We've been waiting for this major clean-up since 2012." "We've been waiting for 40 years!" someone else shouted out from the crowd.

On the way back to the Red Water Pond Road community structure, Chris Shuey, the director of the Uranium Impact Assessment Program at the Southwest Research and Information Center (SRIC), took a group out to see what is left of the mine. He and his team began to document radiation levels in the area in the early 2000's, which lead to the first official contamination assessment done by the EPA. He is now the co-investigator of the Navajo Birth Cohort Study, documenting birth effects of uranium poisoning.

Most of the old mine is fenced behind signs that bear the warning "hazard: toxic waste." To the left of the fence, a herd of cattle grazed along the slope of several low hills – piles of mine tailings that have yet to be removed from the site. The Dinez family still resides in a house to the right. When SRIC first began documentation, they measured radiation levels in the arroyo where the Dinez children played behind the house at 500-800 rem – eighty times the 10 rem of radiation exposure considered safe by the EPA. Chris described setting up detection devices among scattered children's toys. "Everyone in this community can talk about playing on this site," he said.

Before he and his team began working in the area, residents were unaware of the hazardous conditions in which they lived. Since then, the EPA has cleared some of the contaminated soil around the abandoned mine and 100,000 cubic meters of earth onsite have been designated for removal, though probes have yet to find the bottom of the contamination below the pits where toxic waste was stored. To this day, the majority of offsite contamination has not been addressed, and the EPA has not yet released a plan to deal with potential risks of the excavation process itself, such as a recent leak in underground fuel tanks stored on site, which resulted in the spread

of an unmonitored hydrocarbon plume releasing highly toxic and carcinogenic compounds into the air and water. The immensity of the task looms dark on the horizon of a future clouded in uncertainty. Whether the region will be afforded the money, the political will-power, and the technical expertise to restore the land to pre-spill conditions remains to be seen.

The impacts of the Church Rock spill that are perhaps the most consequential are also the most difficult to measure, and call into question the efficacy of the official strategies used to assess and respond to this kind of disaster. Chris Shuey emphasized that the EPA's risk assessments fail to account for cumulative impact of the "generational cycles of trauma" inflicted upon Navajo people in the region. He told the story of John Benally, who lived on the land adjacent to the mine in the 1930's. Benally was forced to give up half his herd as part of the Navajo Livestock Reduction imposed by the US government in an effort to control erosion during the 1930s and 40s Dust Bowl, a project that ultimately restricted a primary source of economic revenue and contributed to the extreme poverty experienced by some families on the Navajo Nation. Many of the men of the next generation fought in Vietnam, only to return to work in uranium mines. Workers and their families suffered chronic respiratory issues, rare cancers, hypertension, and other unexplainable health effects. Though the government knew of the effects of uranium exposure on human health, no effort was made to inform Navajo miners. Then when the Church rock spill happened, the governor of New Mexico, Bruce King, refused to acknowledge a state of emergency, which limited any state or federal aid that residents might otherwise have received. As reparation efforts finally began nearly 30 years after the spill, many residents were evicted from family homes where conditions were classified as hazardous without being offered sufficient housing alternatives.

Cultural loss is also part of the impact of the spill. Back at the meeting area, Teddy Nez spoke of restricted access to sacred sites, burials dug up during the excavation of contaminated soil, and the loss of local vegetation used for ceremonial purposes and as a traditional food source. Nez has spent decades collecting documentation of the heightened rates of cancer, birth defects, and other health issues in his community. While grassroots initiatives have been self-reporting this kind of data for some time, no official comprehensive study of the health effects has ever been conducted. At the commemoration, Nez addressed the political representatives in the audience demanding that the Navajo Nation take action to initiate an official health study.

Other speakers discussed amendments to the Radiation Exposure Compensation Act that was reintroduced to the Senate in 2017, seeking expansion of aid and reparations available to individuals who have suffered negative health effects of radiation exposure. The bill is one avenue of hope for locals, several of whom traveled to Washington for hearings held in June to lobby the Judiciary Committee. Political efforts are happening on the local level as well. Talia Boyd, the Western New Mexico Program Director for the Conservation Voters of New Mexico Education Fund and a member the Western Action Mining Network, called on county commissioners to support the creation of a uranium task force that would assess the impacts of both past and present uranium mining and advise state and federal authorities on future uranium projects. "Local decision makers have opened the doors for the uranium mining industry," she said, "it's time we have an authoritative body that can speak up for communities and hold decision makers accountable." There is much work left to be done, but the atmosphere at the event was hopeful and resonant with the hum of an active commitment to never give up the fight.

Eric Jantz, Staff Attorney at the New Mexico Environmental Law Center, has been working with uranium mining impacted communities for many years