

**MINUTES
of the
THIRD MEETING
of the
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**September 6, 2022
New Mexico State University-Grants
Fidel Hall
1500 North Third Street
Grants**

The third meeting of the Radioactive and Hazardous Materials Committee was called to order by Senator Jeff Steinborn, chair, on September 6, 2022 at 10:01 a.m. in Fidel Hall at New Mexico State University-Grants in Grants.

Present

Sen. Jeff Steinborn, Chair
Rep. Joanne J. Ferrary, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Stefani Lord
Sen. Shannon D. Pinto
Sen. Harold Pope*
Sen. Nancy Rodriguez

Absent

Rep. Cathrynn N. Brown
Rep. Christine Chandler
Sen. David M. Gallegos
Sen. Gay G. Kernan
Sen. Brenda G. McKenna
Rep. Debra M. Sariñana

Advisory Members

Sen. Ron Griggs
Sen. Joshua A. Sanchez
Sen. Gregg Schmedes
Rep. James G. Townsend

Guest Legislators

Rep. Harry Garcia
Rep. Tara L. Lujan
Sen. Antoinette Sedillo Lopez

*Appointed by the president pro tempore of the senate as a voting member for this meeting only.

Staff

Tom Kricka, Legislative Council Service (LCS)
Lenaya Montoya, LCS
Sara Wiedmaier, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Welcome and Introductions (10:01 a.m.)

Senator Steinborn welcomed the committee to Grants. Eric Garcia, mayor, City of Grants, provided a welcoming address to the committee and spoke of the recreational activities that the city of Grants provides and the current economic development approaches the city is taking. Marlene Chavez-Toivanen, associate campus director and vice president for academic affairs, New Mexico State University-Grants, welcomed the committee to the campus and provided a campus update, stating that the campus has seen a 17 percent increase in enrollment and that the campus provides bachelor's degrees in education, nursing and information technology.

Occupational Health and Safety for State Employees (10:06 a.m.)

Robert Genoway, chief, Occupational Health and Safety Bureau, Department of Environment, provided an overview of the state Occupational Health and Safety Act regulations. The Department of Environment houses the Occupational Health and Safety Bureau and has jurisdiction over both private sector workers and all state and local government workers. The Department of Environment oversees the medical surveillance of numerous chemicals, biological contaminants and radioactive materials. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/6/2022&ItemNumber=1>.

Issues Concerning Downwinders (11:10 a.m.)

Tina Cordova, co-founder, Tularosa Basin Downwinders Consortium (TBDC); Bernice Gutierrez, member, TBDC; Paul Pino, member, TBDC; and Phil Harrison, consultant, Navajo Uranium Radiation Victims Committee, provided an overview of the issues concerning downwinders. Ms. Cordova provided an overview of the Trinity nuclear test of 1945 and the issues affecting the surrounding communities in 1945. A few major concerns were the lack of running water and electricity. Ms. Cordova expressed that through the generations, many of her family members have had cancer. Ms. Cordova mentioned that downwinders do not qualify for partial restitution payments under the federal Radiation Exposure Compensation Act (RECA) and that the TBDC currently has bills being heard in the United States Congress to extend and expand the RECA.

Ms. Gutierrez spoke on her research of infant mortality rates pre- and post-Trinity nuclear test of 1945. Ms. Gutierrez expressed her struggles with accessing and finding data on infant mortality from the state archive records and how the committee can help. Ms. Gutierrez discussed her family's history with health issues post-Trinity nuclear test of 1945.

Mr. Pino spoke on the life experiences of the Carrizozo community and the effects the Trinity nuclear test of 1945 had on the community. Mr. Pino spoke on the health issues that his family has experienced. Mr. Pino provided a song about continuing the fight for the families affected by the radioactive exposure.

Mr. Harrison spoke about the Navajo Uranium Radiation Victims Committee and what they do for the communities affected by uranium mining. Mr. Harrison spoke about the lack of communication between the uranium mining companies and their employees on the health and safety concerns that uranium mining poses. Mr. Harrison discussed the RECA claims process and the criteria to receive compensation and expressed his frustrations with the fact that downwinders and their families are not covered by the RECA. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHM%20090622%20Item%202%20Downwinders.pdf>.

Motions (12:47 p.m.)

Upon a motion made by Representative Alcon, seconded by Senator Pinto and without objection, the committee moved to send two letters in support of United States House of Representatives Bill 5338 and United States Senate Bill 2798. The first letter would be to all members of the United States Senate Judiciary Committee; the second letter would be to all leadership members of the United States House of Representatives.

Proposed Green Amendment (1:42 p.m.)

Senator Sedillo Lopez; Representative Ferrary; Representative Lujan; and Maya K. van Rossum, founder, Green Amendments for the Generations, provided an overview of the proposed Green Amendment, its anticipated language and the proposed rights that the amendment will bring to New Mexico residents. The presentation can be found here:

<https://www.nmlegis.gov/handouts/RHMC%20090622%20Item%203%20Green%20Amendment.pdf>.

Uranium Mine Legacy Cleanup (2:49 p.m.)

Jerry Schoeppner, director, Mining and Minerals Division, Energy, Minerals and Natural Resources Department; Edith Hood, member, Steering Committee, Red Water Pond Road Community Association; Johnnye Lewis, Ph.D., professor emerita, director, METALS Superfund Research Program Center, and co-director, Community Environmental Health Program, Center for Native American Environmental Health Equity Research, University of New Mexico; Chris Shuey, co-principal investigator, DiNEH Project and Navajo Birth Cohort Study; Loretta Anderson, supporter, Southwest Uranium Miners Post '71 Coalition; and Arlene

Juanico, Southwest Uranium Miners Post '71 Coalition, provided an overview of the uranium mine cleanups in the Grants area and surrounding communities.

Mr. Schoeppner provided an overview of the Grants mining districts, the contaminant sources and the federal Environmental Protection Agency's five-year plan. He gave a summary of the work that has been completed on the planned assessment regarding water supplies; the cleanup of legacy mines; the cleanup of mills; the cleanup of structures and the communication between the department and the affected communities.

The representatives of the Southwest Uranium Miners Post '71 Coalition described their experiences with the open uranium pits and how this exposure affected their families, their health and their way of life as farmers and ranchers.

Ms. Hood discussed the federal Environmental Protection Agency and the federal Nuclear Regulatory Commission's proposed plan to move one million cubic yards of waste from the former Northeast Church Rock Mine site to an impoundment lot a mile down the road and the Red Water Pond Road community's opposition to this proposed plan. Ms. Hood provided recommendations from the Red Water Pond Road Community Association to the committee.

Dr. Lewis provided an overview of her brief on the multigenerational environmental, health and intervention research with indigenous communities impacted by abandoned uranium mine waste. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=RHMC&Date=9/6/2022&ItemNumber=4>.

Public Comment (4:21 p.m.)

A list of individuals making public comment is available in the meeting file.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:27 p.m.