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FISCAL IMPACT REPORT

ORIGINAL DATE 01/29/08

SPONSOR Pinto LAST UPDATED _____ HB _____

SHORT TITLE Radiation Exposure Victim Benefits SB 350

ANALYST Weber

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$150.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB22, HJM 2 and HB 342.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Department (IAD)
 Human Services Department (HSD)
 Department of Health (DOH)
 Health Policy Commission (HPC)

SUMMARY

Synopsis of Bill

Senate Bill 350 appropriates \$150 thousand from the general fund to the Indian Affairs Department to provide case management services to victims of radiation exposure or their surviving families located in New Mexico so that they may access benefits due to them pursuant to the federal Radiation Exposure Compensation Act.

FISCAL IMPLICATIONS

The appropriation of \$150 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY09 shall revert to the general fund.

Included for the first time in the FY08 Indian Affairs Department is a recurring appropriation that continues in FY09 and future years for \$100 thousand from the general fund for this purpose.

SIGNIFICANT ISSUES

Indian Affairs Department provides the following background information.

The bill would appropriate funds to provide case management for qualifying New Mexicans to apply for benefits pursuant to the federal Radiation Exposure Compensation Act (“RECA”). RECA was passed by Congress in 1990 to provide compensation to workers, or specified survivors of workers, who have contracted cancer or other maladies as a result of exposure to atmospheric nuclear testing or high levels of radon while mining, milling, or transporting uranium.

Uranium mining and milling took place in New Mexico and on the Eastern Agency of the Navajo Nation (“Eastern Navajo Agency”) from 1944-1986. As many as 1,300 abandoned uranium mines exist today on the Navajo Nation.¹ This is a testament to the nearly 4 million tons of uranium ore that were mined for energy and nuclear weapons production.² The risks associated with uranium exposure were well known at the time, and in 1931 the federal government issued an official warning.³ However, many miners were not informed of these risks and little was done to shield them from the severe danger inherent in radiation exposure.⁴ The Office of Navajo Uranium Workers has identified as many as 1,500 tribal members in New Mexico who may be eligible for compensation under RECA but have yet to apply for benefits.⁵

This failure to apply for benefits may be due to unique barriers experienced by Native Americans when attempting to gain compensation through RECA. The far-flung geographic nature and poor communication infrastructures characteristic of tribal lands, combined with federal bureaucratic complexities, have created potential barriers for applicants.⁶ Potential beneficiaries must complete forms and document their condition through medical examinations.⁷ Barriers can also arise when survivors of uranium workers lack documentation to establish a connection to the deceased. One example is the lack of marriage certificates connecting the claimant with the deceased. The US Justice Department has refused to recognize Navajo traditional marriages because they often lack legal documentation; this may impede many Navajo survivors from establishing a familial connection with the deceased.⁸

It should be noted that as of January 22, 2008, 18,951 claims have been approved under RECA nationwide and \$1.27 million has been awarded to claimants. Out of a total of 27,583 claims, 7,899 have been denied, approximately 28.6% of claims.⁹

¹ US House Committee on Oversight and Government Relations. *On The Health and Environmental Impacts on Uranium Mining on Navajo Nation, Testimony of Doug Brugge, PhD, MS.*, 23 October 2007. Washington, Government Printing Office, 2007, 3.

² US House Committee on Oversight and Government Relations. *On The Health and Environmental Impacts on Uranium Mining on Navajo Nation, Testimony of Wayne Natri.* 23 October 2007. Washington, Government Printing Office, 2007, 1.

³ Huges, Megan. “Algonquin Resist Uranium Mine.” *The Dominion*, September 24, 2007. Retrieved 1/23/08, www.dominionpaper.ca/articles/1414.

⁴ Ibid.

⁵ Paskus, Laura. “Yellowcake Blues” *Santa Fe Reporter*, October 11, 2006. Retrieved 1/23/08, <http://www.sfreporter.com/articles/publish/cover-101106-yellowcake-blues.php>.

⁶ “Environmental Justice for the Navajo: Uranium Mining in the Southwest” University of Michigan School of Natural Resources. Retrieved 1/23/08, www.umich.edu/~snre492/sdancy.html.

⁷ Ibid.

⁸ Ibid.

⁹ Department of Justice, Civil Division. “Claims to Date Summary of Claims Received by 1/22/2008.” Radiation

The Department of Health adds:

In 1990, Congress passed the RECA providing for payments to individuals who contracted certain cancers and other serious diseases as a result of their exposure to radiation released during above-ground nuclear weapons tests or as a result of their exposure to radiation during employment in underground uranium mines. The 1990 Act provided fixed payments of \$100,000 for uranium miners. RECA Amendments of 2000 added two new claimant categories, uranium mill workers and ore transporters, provided additional compensable illnesses, lowered the radiation exposure threshold for uranium miners, included above-ground miners, modified medical documentation requirements, and removed certain lifestyle restrictions.

For uranium miners a payment of \$100,000 is available to eligible individuals employed in aboveground or underground uranium mines located in New Mexico and other designated states at any time during the period beginning on January 1, 1942, and ending on December 31, 1971. The claimant must have worked for at least one year in a uranium mine during that time period. Compensable diseases include primary lung cancer and certain nonmalignant respiratory diseases.

For uranium mill workers, a payment of \$100,000 is available to eligible individuals employed in uranium mills located in New Mexico and other designated states at any time during the specified period. The claimant must have worked in a uranium mill for at least one year. Compensable diseases include primary lung cancer, certain nonmalignant respiratory diseases, renal cancer, and other chronic renal disease including nephritis and kidney tubal tissue injury.

For ore transporters, a payment of \$100,000 is available to eligible individuals employed in the transport of uranium ore from mines or mills located in New Mexico and other designated states at any time during the specified period. The claimant must have transported ore for at least one year. Compensable diseases include primary lung cancer, certain nonmalignant respiratory diseases, renal cancer, and other chronic renal disease including nephritis and kidney tubal tissue injury.

The unremediated radioactive and hazardous waste piles from past uranium exploration, mining, and milling activities continue to present a potential threat to the health and well-being of residents of northwestern New Mexico through multiple exposure sources and pathways, including drinking contaminated water, breathing contaminated air, and eating contaminated agricultural crops, produce and livestock potentially adding to historic occupational exposures.

The Health Policy Commission echoed the comments of the other two agencies.

MW/mt