

February 1, 2022

Committee Members
Committee on Developing a Long-Term Strategy for Low-Dose Radiation Research in the
United States
National Academies of Sciences, Engineering, and Medicine

Re: Best Practices for Community Driven Radiation Research; appendix to Jan 6 Letter

Dear Committee Members,

In our submission on January 6, we indicated we would within a few weeks provide an appendix that fleshes out in more detail how a research process aimed at benefiting and being driven by impacted communities could be structured. This is intended to follow up on questions received from committee members in the October 27 and 28, 2021 public meetings on this topic. In our conversations with Indigenous community members, we recognized a need to specifically address research practices with Indigenous nations and communities. You will find our recommendations on this in the second section of this document.

Before we address these questions, we would like to emphasize points that were raised in the public comment sessions on January 24 and 25, 2021, namely concerns over transparency and revelations about the chair's undisclosed longstanding ties to DOE, concerns around the chair's possible own bias towards hormesis and a threshold below which radiation is supposedly harmless, and concerns that adequate time is not being given to incorporate impacted community input. You can refer to the public comment session [recording](#) for more detail. We hope these concerns will be seriously considered and discussed among the committee.

I. BEST PRACTICES FOR COMMUNITY DRIVEN RESEARCH

Our belief is that research must be done not just with community engagement or input, but with full community *ownership* and *leadership*. An excellent example of this was the Citizens' Monitoring and Technical Assessment Fund (MTA Fund) and its successor, the Community Involvement Fund (CIF), so we are using them to illustrate how research could be conducted going forward.

A note on why this is important: We have seen again and again what happens when low dose radiation research is carried out by the DOE and without impacted community ownership: research is not trusted by the community, and research is biased against impacted community members and tends to minimize risks. This has serious and sometimes life-threatening implications for impacted communities.

The MTA Fund was created as part of a 1998 court settlement between U.S. Department of Energy (DOE) and 39 plaintiffs (public health, environmental, and other organizations), with the Natural Resources Defense Council acting as lead counsel for the plaintiffs. The resulting MTA

Fund was administered by RESOLVE, a non-profit organization based in Washington, D.C.

As summarized in the MTA Fund's concluding report:¹

The MTA Fund provided grants to “eligible organizations” so they could procure technical and scientific assistance to perform reviews and analyses of environmental management activities at DOE sites. The eligible organizations were non-profit, nongovernmental organizations and federally recognized tribal governments working on issues related to the nuclear weapons complex. Monies from the MTA Fund could also be used to disseminate the findings of the projects. Between 2000 and 2006, the MTA Fund awarded 103 grants.... [T]he MTA Fund reports stand as a body of independent research by NGOs and tribes (and technical experts under their direction) that is unprecedented.

Tribal governments and organizations representing impacted communities could make proposals to the MTA Fund for projects to be conducted by experts chosen by those impacted communities. The proposals were evaluated by an advisory board consisting of representatives of communities and independent technical specialists chosen by them.

Examples of the studies performed include:

- Radionuclide Data Analysis of Marine Subsistence Food from Amchitka and Adjoining Areas for the Aleutian/Pribilof Islands Association
- Report Of The Church Rock Uranium Monitoring Project 2003-2007 Sponsored By Churchrock Chapter, Navajo Nation
- Re-Analysis of "Plutonium in Autopsy Tissue": A Case/Control Examination of Nuclear Weapons Sites and Civilian Lung Burden
- Hanford Radioactivity in Salmon Spawning Grounds
- The Environment Transport of Radium and Plutonium: A Review
- Thyroid Doses and Risk of Thyroid Cancer from Exposure to I-131 from the Nevada Test Site
- Feasibility of Developing Exposure Estimates for Use in Epidemiological Studies of Radioactive Emissions from the Santa Susana Field Laboratory
- A Critical Review of ATSDR Public Health Assessment for Lawrence Livermore National Laboratory
- A Soil Contamination Survey of Timbisha Shoshone Tribal Lands within Close Proximity to the Nevada Test Site

A full list of studies completed through the MTA Fund can be accessed at the Jeanne X. Kasperson Research Library at Clark University [here](#).

After the funds from the DOE legal settlement were fully expended and the MTA Fund closed,

¹ *Peeling Back the Veil: Citizens' Monitoring and Technical Assessment Fund 1999 – 2007 Summary of Projects* by Pamela S. Allison and Joseph C. Cepeda, with contributions by Mavis Belisle, Alex Hunt, and Bruce J. Stedman, Edited by Bruce J. Stedman, October 2007

groups representing impacted communities approached the then-Assistant Secretary of Energy for Environmental Management Ines Triay suggesting the creation of a new, similar endeavor to make funds available, without DOE control, for impacted communities to be able to retain technical experts to conduct studies that could be helpful in protecting the public from radiation exposures. This initiative resulted in the creation of the Community Involvement Fund (CIF), which was administered by the New Mexico Community Foundation (now the New Mexico Foundation).

Groups representing impacted communities could apply to CIF for grants. A body composed of representatives of impacted communities reviewed the proposals and decided which should be granted. DOE, under the Cooperative Agreement, was to provide the funds but have nothing to do with the decisions as to which grants should be approved, ensuring independence from DOE.

Both MTA and CIF functioned very well, providing grants for important independent studies that advanced efforts to protect impacted communities. In the end, however, DOE breached the Cooperative Agreement, terminating it early. CIF gave a grant to a group working on behalf of an impacted community, whose work disclosed serious deficiencies in DOE's assertions about its contaminated site and radiation risks therefrom. DOE broke its commitment to not interfere in the decisions as to where the grants should go, and tried to pressure the CIF board to not provide the grant. The CIF board courageously refused to be pressured and gave the grant. When the grant was up for renewal, DOE once again threatened the CIF board to not issue the renewal; when the board again insisted on its independence and issued the grant, DOE abrogated the entire Cooperative Agreement and ended the CIF program a year early.

This episode underscores how essential it is that a research program on "low dose" radiation be fully independent of DOE, which is the major source of radioactive contamination in the country. DOE also has a long history of interference with independent undertakings that shed light on and try to mitigate the harm DOE does by exposing impacted communities to so-called "low dose" radiation.

RECOMMENDATIONS

- 1. This committee should recommend the reinstatement of CIF or something similar, and half of any funds contemplated for a possible low dose radiation research program should go to the reinstated CIF, with strong measures to protect against interference by DOE. This would provide a time-tested vehicle for community-driven, community-directed independent research.**
- 2. This committee should recommend that the other half of funds contemplated for such research absolutely not be administered by DOE, or any other entity over which DOE exerts, directly or indirectly, significant influence. This includes CRESP, as we indicated in our prior letter. Furthermore, there should be an oversight panel consisting of at least half of its members being representatives of impacted communities, and significant numbers of the other half should be independent technical experts chosen by groups representing impacted**

communities.²

II. BEST PRACTICES FOR WORKING WITH INDIGENOUS NATIONS AND COMMUNITIES

Exposure to “low-dose” radiation continues to have devastating impacts for many U.S. and global Indigenous communities and sovereign nations, including the severe radiological burden created by the uranium legacy in the Western United States. For example, the [EPA estimates](#) that there are around 15,000 uranium mines and associated locations across the Western United States. Only a small percentage of these mines have been remediated to modern standards.

Significantly, in Article 3 the [United Nations Declaration on the Rights of Indigenous Peoples](#) recognizes Indigenous peoples’ right to self-determination, which includes the right “to freely determine their political status and freely pursue their economic, social and cultural development.” Article 4 affirms Indigenous peoples’ right “to autonomy or self-government in matters relating to their internal and local affairs,” and Article 5 protects their right “to maintain and strengthen their distinct political, legal, economic, social and cultural institutions.” Article 26 states that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired,” and it directs states to give legal recognition to these territories. The Declaration does not override the rights of Indigenous peoples contained in their treaties and agreements with individual states, and it commands these states to observe and enforce the agreements.

Research on low-dose radiation related to Indigenous communities should recognize the history of environmental and scientific racism and the increased risks to Indigenous communities due to environmental contamination and outdoor lifestyles, which can result in multiple and cumulative exposures (see our first letter, sent on January 6, 2022, for more detail). In addition, low-dose radiation exposures do not occur in a vacuum, but in concert with other environmental and socioeconomic exposures. For example, uranium mine wastes are replete with high concentrations of metals such as arsenic and lead, which are mobilized by a number of processes.

RECOMMENDATIONS:

- 1. Any research relating to Indigenous communities and nations must undertake government-to-government consultation and comply with the necessary permissions and protocols set up by those Indigenous governments.**
- 2. Researchers should create a comprehensive plan at the outset of any research project, that also includes outreach and collaboration with native-led grassroots groups and tribes, relational building, and whenever possible, representation among research staff from those who have worked in tribal research involving human studies. Research should be done in a way that prioritizes trust-building, Indigenous**

² A model for such an oversight panel is the [Oversight Panel](#) established for the Santa Susana Field Laboratory epidemiological and related studies.

community ownership of research design, processes and data, and local community expertise.

3. **Studies should embrace [government-wide guidance](#) on “elevating Indigenous Traditional Ecological Knowledge in federal scientific and policy processes.” Any research efforts should also explore opportunities for reparations mechanisms that enable redress of health, environmental, cultural, and other damages beyond repair and just compensation.**
4. **As can be seen from the example projects listed in the prior section, the MTA and CIF programs effectively worked with federally recognized tribes and Indigenous community groups. For the above reasons, we reiterate the need for reinstatement of those or similar programs that provide funds for research projects initiated and led by tribes and Indigenous communities.**

For more information, we recommend that you refer to [Guiding Principles For Engaging In Research With Native American Communities](#), as well as the [presentation](#) from Dr. Johnnye Lewis on November 16, 2021.

CONCLUSION

We have previously expressed concern about the rushed pace of the committee’s process, and hope that the above matters can nonetheless be seriously considered as you prepare your report. We are available to provide any additional information that may be helpful to your work. The consequences that flow from your report may be significant, as it could contribute to either strengthening or weakening protections of impacted communities from radiation. It must be the former, as many lives are at stake.

Signed,

Invited Speakers from Public Meetings

Bemnet Alemayehu
Staff Scientist
Natural Resources Defense Council

Terrie Barrie
Founding Member
Alliance of Nuclear Worker Advocacy Groups

Mary Dickson
Utah Downwinders

Daniel Hirsch
Committee to Bridge the Gap
Retired Director, Program on Environmental Nuclear Policy, UC Santa Cruz

Benetick Kabua Maddison
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