

Navajo DOJ presses EPA on Gold King Mine Spill

Written by Staff Report
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WINDOW ROCK, Ariz. – In a letter sent this week to US Environmental Protection Agency General Counsel Avi Garbow, Attorney General Ethel Branch questioned the agency’s efforts to address claims for damages caused by the Gold King Mine spill.

Earlier this month, Garbow sent a letter saying that a decision had not been made as to whether the Navajo Nation could assert claims under the Federal Tort Claims Act.

“Despite the USEPA’s repeated commitments to members of Congress, to the press, and to the Navajo Nation regarding fair, effective and expeditious compensation for harms caused by the Gold King Mine Spill, your letter appeared to take several steps back,” wrote Branch. “I was surprised by the suggestion in your letter that the USEPA has not yet decided that the FTCA applies to the Gold King Mine Spill. This position cannot be squared with the USEPA’s repeated public statements of responsibility for the spill.”

Branch also expressed her frustration with the fact that more than three full months after the spill the USEPA still does not have a process in place that will ensure full, fair and prompt recovery for the Navajo people and the Navajo Nation.

The USEPA has thus far failed to establish an interim claims process and relief fund to allow members of the Navajo Nation to seek compensation without releasing future unknown claims.

“I remain committed to working with any and every federal agency that will provide support and fair treatment to the Navajo Nation and its people,” Branch said. “But I am sure you appreciate

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that your letter has raised more concerns and questions for us,” concluded Attorney General Branch, again imploring the US EPA to provide full recovery for the harms caused by the spill.