



Nation not backing down against EPA's attempt to thwart mine spill lawsuits

By Babette Herrmann

Sun Editor

WINDOW ROCK – Navajo Nation President Russell Begaye said Friday that he expected Environmental Protection Agency officials to take measures to block lawsuit attempts against the agency for the Gold King Mine spill disaster of 2015.

The Navajo Nation asserts in a federal lawsuit that the spill contaminated reservation water sources and hurt farmers' bottom lines. They also criticized the agency for being slow to respond to the Nation's needs at the time.

The EPA Denver office stated in news release earlier today that an independent claims officer within the agency, said they are "not legally able to pay compensation for the claims."

"We anticipated that the U.S. Environmental Agency would continue to defy their own statement that they would hold themselves accountable for the damages caused by the Gold King Mine spill," Begaye said in an email response to the Sun. "They admitted under testimony during a Senate hearing that they caused the spill."

President Begaye: 'The fight has just begun'

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The Nation filed a lawsuit in U.S. District Court August 2016, alleging that the EPA failed to adequately remediate the spill disaster that reportedly dumped 880,000 pounds of metals – arsenic, lead, cadmium, copper, mercury, nickel, and zinc – into the Animas River, near Silverton, Colo., Aug. 5, 2015.

A glowing yellow toxic sludge made its way down to the San Juan River, adversely impacting Navajo Nation tributaries and farmlands.

The disaster occurred when a federal work crew accidentally triggered the spill during an initial cleanup of the abandoned mine. Post-disaster – the Gold King Mine is now a part of the EPA's multi-million dollar "Superfund" cleanup.

Begaye is correct in that the EPA admitted responsibility for the deed, but the agency claims in their latest news release that they are protected from having to pay damages under the Federal Tort Claims Act.

"... Congress wanted to encourage government agencies to take action without the fear of paying damages in the event something went wrong while taking the action," the EPA stated.

Immediately following the spill, the Animas River reportedly contained 12,000 times higher than normal lead levels. The EPA issued claims that the water was safe to drink, despite sending out warnings to avoid discolored sentiment and to supervise children under the age of six playing in the water to ensure that they don't ingest any water or sentiment.

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"This fight with the U.S. EPA has been ongoing to right the wrong they caused," Begaye said. "The Navajo Nation will continue to work to ensure that justice will be served and our farmers will be adequately compensated."

The Nation's lawsuit doesn't specify a dollar amount, but it lists the damages and negative impact on farmers.

"The damages endured aren't limited only to crops, but also to cultural and psychological impacts," Begaye said. "For the farmers, their farms and crops are their livelihood."

Begaye further explained why farmers carry emotional scars from the spill: "They have deep connections to their farmland," he said. "Many farmers cried for weeks because their crops didn't mature and eventually died. It was devastating to both the Navajo Nation and to the farmers. Even today, people still question if the water is clean enough for farming, livestock or human consumption."

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He said the Navajo Nation "will not give up until justice is served."

Meanwhile, the president is confident that a Trump administration will take notice of the EPA's reputation and look upon the tribe's claims with favor.

"They understand the struggle that companies and nations have had with the U.S. EPA," he said.

"We will not give up, we will be diligent. The fight has just begun."