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Mindy Palleija
November 22, 1989

**SUMMARY OF HEARING BEFORE THE
SUBCOMMITTEE ON INSULAR AND INTERNATIONAL
AFFAIRS OF THE COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS**

November 16, 1989

Members in Attendance

Ron de Lugo (D-Virgin Islands), Delegate, Chairman
George Darden (D-Georgia)
James McClure Clarke (D-North Carolina)
Eni F. H. Faleomavaega (D-American Samoa), Delegate
Robert J. Lagomarsino (R-California)
Ben Blaz (R-Guam), Delegate

Witness List (Enclosure A)

Senator Jeton Anjain of Rongelap, Marshall Islands, Nitijela
accompanied by:

Norio Kebenli, Council Member
Almira Matayoshi
Sylvia Freddy
David M. Weiman
Bernd Franke, Institute for Energy and Environmental
Research
Rosalie Bertell, Ph.D., President, International
Institute of Concern for Public Health, Toronto
Robert K. Lane, Associate Vice President, P&D
Technologies

John L. Meinhardt, Principal Deputy Assistant Secretary for
Defense Programs, U.S. Department of Energy

Honorable Stella Guerra, Assistant Secretary for Territorial
and International Affairs, U.S. Department of the
Interior

Honorable Oscar de Brum, Chief Secretary of the Marshall
Islands

Dr. Henry I. Kohn, author of 1988 Independent Assessment of
U.S. Department of Energy's 1982 Report on Rongelap

DOE
John Rudolph's Files
D-File
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Chairman de Lugo commenced the hearing with a short review of the history of the Rongelap community and the development of the current situation to which this hearing is addressed (Enclosure B). The Marshall Islands were used by the U.S. for a number of nuclear tests in the 1940s and 50s. Various communities inhabiting the atolls that were dangerously close to radiation fallout from the tests were evacuated and relocated to safer islands. On March 1, 1954, the atmospheric test BRAVO was detonated over the Bikini Atoll. A change in the wind direction caused fatal doses of radioactive fallout to move across a 120-mile body of water between Bikini and Rongelap Atoll, where a massive downfall of radioactive "snow" covered the inhabited Rongelap Island. The Rongelapese suffered severe symptoms of radiation sickness and two days later were evacuated to Kwajalein Atoll. In 1957 the U.S. declared Rongelap safe and the people returned to the island. In November 1982, the DOE published a study, The Meaning of Radiation For Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978. The study revealed information about the level of radioactive contamination still present on the island. The Rongelapese were alarmed at the findings and evacuated themselves back to Kwajalein in 1985.

The negotiation of the Compact of Free Association Act of 1985 assigned a fund of 150 million dollars to the Rongelapese in return for the Marshall Island government agreeing to the surrender of all the claims of its citizens. The government insisted on further provisions to the Act for additional commitments of assistance to the citizens. Added to the Compact in January 1986 was Public Law 99-239, (Enclosure C), which authorized a two-phase study of the habitability of Rongelap Island. The Phase-1 study, The Rongelap Reassessment Project, published in July and revised in March 1989, was a review of data and conclusions in the 1982 DOE radiation study. The second provision of the Compact mandated a complete survey of radiation effects on Rongelap, should the review of the 1982 DOE report deem those findings inadequate. Some information and conclusions discovered from the review of the DOE report were found to be inadequate and the Rongelapese are now petitioning the United States for 6 million dollars to fund the complete study as is provided for in the Compact. Chairman de Lugo stated the purpose of the hearing was to "conduct oversight of the execution of the law as well as obtain other information related to the safety of Rongelap and the health of its people." He welcomed Rongelap's Senator Anjain and turned to Representative Lagomarsino for his comments.



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Mr. Lagomarsino reiterated some facts of the situation and stated he looks forward to hearing the testimony of the witnesses in order to "fairly and conclusively address the safety of Rongelap Island for the Rongelap people" as is required by the provisions added to the Compact.

Chairman de Lugo welcomed Representative Miller, who is not a member of the subcommittee. Mr. Miller thanked Mr. de Lugo for holding the hearing, saying he has a special interest in this issue and he hopes the hearing is the start of "a period of openness where we can no longer hide issues, we can be forthright and we can in fact do justice to the people of Rongelap." He made a few more remarks about his hopes to get the matter settled and again thanked the Chairman.

Mr. de Lugo then recognized Representative Clarke, who also thanked the subcommittee and stated he looks forward to hearing the testimony of the witnesses. The Chairman turned the floor over to Delegate Eni Faleomavaega, Representative, American Samoa.

Mr. Faleomavaega thanked the Chairman for holding this oversight hearing on the status and the safety of the residents of Rongelap Atoll. He recounted the history of U.S. nuclear testing in the islands, describing the March 1 BRAVO test and some human experiences of the event. Mr. Faleomavaega feels that "as a result of this mistake many years ago, the U.S. owes a moral debt to the people of Rongelap." He stated the people of Rongelap want justice and some straight answers regarding the safety of the island, but they are skeptical of the pronouncements made by DOE that Rongelap is safe for resettlement. He feels "the Compact of Free Association recognized that many health and safety questions were unresolved. The process was established-central to that process was that the safety and habitability were to be conducted by independent organizations. That principle must be maintained." Mr. Faleomavaega concluded his testimony by expressing his hope for "some straightforward answers and a resolution of this problem."

Chairman de Lugo welcomed Senator Jeton Anjain, Marshall Islands, asking him to identify some members of his group who traveled with him from Rongelap to deliver testimony before the subcommittee. Mr. Anjain submitted his statement (Enclosure D) and introduced Norio Kebenli, Sylvia Freddy, and Almira Matayoshi, who would later talk about some personal experiences resulting from the effects of living in a nuclear environment.



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Senator Anjain said he is grateful that the committee is recognizing the radiation issues involving Rongelap, and that the people just want to know if Rongelap is safe and healthy enough for resettlement. He stated DOE has not given satisfactory answers to those questions and introduced their consultant, David Weiman, to the committee.

Mr. Weiman began his testimony with a discussion about two 1982 reports, one issued by the Defense Department, the other by DOE. He stated "both those reports literally rocked the community." The first, done in April by the Defense Nuclear Agency, was a review of the BRAVO test where it is revealed that the critical factor of wind direction was known to be disadvantageous to the atmospheric conditions at the test site. The second report, published in November, shows the relative radiation levels for 3 atolls- Bikini, Enewetak and Rongelap- and that the numbers were almost identical. The Bikinians were evacuated from their island and the Rongelapese were told that it was safe to remain, but they didn't understand why they weren't told it was unsafe, as the Bikinians had been. This led to their 1985 self-imposed exile with the help of Greenpeace, after continued requests for assistance from the U.S. were ignored. Mr. Weiman continued, noting that this committee recognized that there were unresolved health and radiation issues discovered in the 1982 DOE study based on 1978 data and that it attempted to establish a process to reveal the technical implications of the data. This process is mandated in the Compact, in a provision with "very specific terms and very specific requirements." It authorizes the independent review of the data contained in the DOE report to determine if the conclusions are adequate. The Rongelap government contracted with Dr. Henry I. Kohn, who prepared a report that left the Rongelapese "grossly dissatisfied" with his review, as it raised even more questions about the conditions of Rongelap Island.

Mr. Weiman continued with a history of the lack of cleanup efforts in the Rongelap Atoll and discussed some ramifications of the U.S. nuclear testing policy with respect to liability. With the use of some charts (Enclosure E), he pointed out the location of Rongelap Atoll and described the misleading response from DOE that Rongelap "island" is safe but that the "atoll", which consists of 62 islands, cannot be conclusively evaluated as habitable. He stated that DOE's assessment is limited to the island being: 1) safe for adults only, and 2) safe if you do not consider those people who were contaminated back in 1954. There is also a question about the levels of plutonium and americium on the island, which DOE had not reviewed sufficiently. Mr. Weiman stated part of the problem with the lack of communication on



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DOE's part is that it continues to generate the bilingual reports, with information being left out, such as the absence of adequate data about plutonium contamination. Regarding the March Kohn report, Mr. Weiman said they "vigorously oppose" his conclusions and recommendations that DOE should continue to monitor its reviews because in the Compact is a provision mandating the independent review of report findings should there still be unresolved issues.

The Chairman recognized Representative Darden, who had no comments on the proceedings.

The next witness was Bernd Franke (Enclosure F), a member of the Rongelap Reassessment Project that was chaired by Dr. Kohn. Mr. Franke, however, dissented with several of Dr. Kohn's conclusions and his opinions were not published in Dr. Kohn's March report. Mr. Franke discussed his dissatisfaction with the methods and guidelines used to gauge the radiation doses received by Rongelap residents, and that data regarding dietary needs is misleading. He claims the dose guideline used with the data involved eating locally grown food only, which allowed the maximum exposure of 5 rem for 30 years. Mr. Franke stated that attempting to subsist on a local food only diet would amount to a "starvation diet" for the Rongelapese and that the island is not big enough to support the 200 residents.

Mr. Franke stated the other major issue in question is the level of plutonium on Rongelap, which exceeds the cleanup guide set forth by EPA. He discussed the cleanup of Johnston Atoll, a deserted atoll with no children and only temporary residential dwellings, and how the EPA guideline is being applied to cleanup efforts regardless of any concern about doses. Mr. Franke believes plutonium on Rongelap needs to be cleaned up, but different methods need to be employed in testing the environment and urine samples because of the wide disparity among results of previous tests of other atolls. Mr. Franke concluded by saying he hopes the issue will be resolved.

The Chairman then introduced Dr. Rosalie Bertell, another member of the Rongelap Reassessment Project. In her statement (Enclosure G) she claims her biggest concern is the exclusion in the DOE report of the actual health status of the Rongelap people. In January-February of 1988 Dr. Bertell's organization, The International Institute of Concern for Public Health, conducted a medical assessment of the Rongelapese. An associate researcher, Dr. Brenda Caloyannis, found several differences in health status depending upon the time and place of exposure.

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Several other factors were considered during the study, such as age difference relative to dose limits and reproductive experience. Dr. Bertell made several conclusions based on her findings:

- 1) "the scientific data used to support DOE 1982 report was inadequate because it failed to include the information on health and medical history of the residents of Rongelap,"
- 2) "DOE's conclusions of habitability were inaccurate because they were based exclusively on dose," and
- 3) "before concluding whether or not the Rongelap Atoll may be safely inhabited by the Rongelap people who seek to move back, a comprehensive health survey and review of their past experience with the residual contamination must be made."

The next witness was Robert K. Lane, the Associate Vice President and Director of Technical Studies for P&D Technologies. In his statement (Enclosure H) he discusses his November 1988 contract with the Rongelap Atoll Local Government Council to prepare a "Phase-2 Work Plan for the conduct of a comprehensive and independent study of outstanding radiation and health issues pertaining to Rongelap Atoll and the Rongelap people as set forth in Section 103(i) of Public Law 99-239." Some concerns the council hoped P&D could address are:

- health status of the Rongelapese
- radiation levels on all islands within Rongelap Atoll
- plutonium levels of residents and the environment
- radiation risks to children
- calculation of dose estimates and guidelines
- appropriate application of guidelines by decision-makers
- the economic and social ramifications of radiation and resettlement of the island.

In the P&D report is a recommendation for the creation of a Rongelap Radiological and Health Study Management Committee for a 6.6 million dollar 18-month study effort to "resolve long-standing issues regarding the habitability of Rongelap Atoll and for implementing the requirements of the Compact of Free Association." Mr. Lane concluded his testimony, reiterating that a full and complete health study needs to be done to assess current and future health risks.



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Senator Anjain then introduced some Rongelap citizens, whose testimony was translated by the Senator from Marshallese to English. Mr. Norio Kebenli spoke of his personal experience at the time of the BRAVO bomb (Enclosure I), saying he speaks for all Rongelap residents when he asks for "fair justice."

Sylvia Freddy then spoke, also recounting her personal experience (Enclosure J) regarding the death of her mother and the lack of adequate medical facilities and the high incidence of medical problems among the Rongelapese.

Almira Matayoshi testified to a particularly tragic experience of the birth of a deformed child and other effects of radiation sickness (Enclosure K).

Representative Blaz then spoke briefly about his career as a marine, and that the revelations of these issues regarding the questionable habitability of Rongelap have shocked him. He feels this matter needs to be righted, and he is speaking on behalf of all the Micronesian communities.

Delegate Faleomavaega asked questions about the contents of medical reports and their accessibility to the citizens. Dr. Bertell replied that some studies were released, others were only summarized.

Mr. Faleomavaega asked what exactly does the Rongelap government want the U.S. to do. Mr. Weiman replied that they are hoping for two things: 1) pursuant to the provisions in the Compact, they want an independent comprehensive health study done, and 2) they ask for humanitarian assistance and support. Mr. Weiman concluded, stating the Rongelapese are anxious to get cooperation and assistance from DOE and open examination of medical records on file.

John L. Meinhardt then took the floor, reading his statement (Enclosure L) discussing the posture of the DOE regarding the habitability of Rongelap and the conclusions of the Rongelap Reassessment Project. Mr. Meinhardt pledged the cooperation of DOE with the Rongelap people in conducting an "additional review on the issues raised and will objectively evaluate their events" within six months.

Honorable Stella Guerra read her statement (Enclosure M) stating that the Department of Interior is unable to properly address the issues recently raised due to the similar experience at DOE of administration by new leadership and a request for a six-month deferral to conduct an "internal review of how the



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agency reached its present position on issues of the safety and habitability on Rongelap." Attached to her statement are several responses to questions DOI is able to answer at this time. Mr. Faleomavaega asked Ms. Guerra questions regarding the responsibility of DOI to the Marshall Island situation and how the two agencies interact. Ms. Guerra replied that the DOI is responsible for the coordination of federal agencies in Micronesia and the supervision of federal programs in the Marshall Islands. These services are administered in consultation with DOE. Ms. Guerra stated DOI provides technical assistance and DOE offers technical expertise in the administration of federal programs. Ms. Guerra concluded with a promise to report her views of the situation back to the subcommittee.

At this time the hearing was adjourned one-half hour.

Commencing the second half of the hearing was Honorable Oscar de Brum, submitting his statement (Enclosure N) for members review. He expressed his hope that the U.S. will stand by its pledge to assist the Marshall Island communities by setting up a fund for restructuring and resettlement.

The last witness to speak at this hearing was Dr. Henry Kohn, the principal consultant on the Rongelap Reassessment Project. He submitted his statement (Enclosure O) in which he expressed his views on some of the issues deemed unresolved. Dr. Kohn refuted some of the testimony heard before him, specifically some of the issues regarding the safety of the Rongelap environment. Dr. Kohn agreed that certain tests should be continued on the Rongelap citizens but that an exhaustive radiologic examination of each and every citizen is unnecessary. He stated that he recommended to DOE the reevaluation of plutonium analysis in urine samples already taken and that the disagreement over the original differences found in urine samples for plutonium were the result of sample contamination. He stated he agrees that "additional planning and some field studies will be needed before deciding on a course of decontamination for the northern islands of the Atoll" but that is a separate issue than dealing with Rongelap Island now. Dr. Kohn concluded his testimony with no particular recommendation to the subcommittee regarding appropriating the funds for the project requested.

Attached are additional documents included in a folder of information distributed to the audience.