RONGELAP ATOLL LOCAL GOVERNMENT
Republic of the Marshall Islands

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STATEMENT OF SENATOR JETON ANJAIN

ON BEHALF OF

THE RONGELAP ATOLL LOCAL GOVERNMENT

BEFORE THE

SUBCOMMMITTEE ON INSULAR AND INTERNATIONAL AFFAIRS
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

WASHINGTON, D.C.
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STATEMENT OF SENATOR JETON ANJAIN

ON BEHALF OF THE RONGELAP ATOLL LOCAL GOVERNMENT AND THE RONGELAP PEOPLE LIVING IN EXILE AT MEJATO

Mr. Chairman and Members of the Committee:

I am Senator Jeton Anjain. I represent the People of Rongelap[1] in the Marshall Islands. For the Rongelap people, this is a most important day. On behalf of the Rongelap people, I thank you for the opportunity to appear before this Committee and to submit this statement.

Several members of the Rongelap Council and community are with me today. Please let me introduce:

* Council Member Lemyo Abon
* Council Member Leyo Boas
* Council Member Jorju Jabwe
* Council Member Norio Kebenli
* Josey Mellan, Treasurer, Rongelap Atoll Local Government
* Clandon Abija
* Sylvia Freddy
* Elbo Lekebol
* Almira Matayoshi

While we live more than 7,000 miles from here, the Rongelap people clearly understand that decisions made in Washington to undertake nuclear atmospheric testing in the 1940's and 1950's profoundly and overwhelmingly affected our lives. Today, four decades later, the resulting radiation continues to dominate our very existence.

One of the most radiotoxic elements known to man, plutonium, saturates our environment, yet the Department of Energy concludes it is safe to live on our atoll.

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[1] Historically, the People of Rongelap resided in five permanent communities -- three on Rongelap Atoll, one on Ailinginae Atoll, and one on Rongrik Atoll.

Moreover, DOE[2] believes the Rongelap people should return from exile and resume life at Rongelap Atoll despite the fact that the Rongelap environment today is highly contaminated with radiation.

Secretary of Energy Watkins last June publicly stated that, within DOE, he found a "culture" of mismanagement and ineptitude regarding health, safety and the environment. The Secretary fully and candidly recognized that DOE was insensitive to and frequently not in compliance with environmental and health laws. Rongelap is a 35-year case study of that "culture."

THE CONFLICT TODAY
DOE OPPOSES THE LEGALLY-MANDATED INDEPENDENT REVIEW OF RONGELAP

The conflict today regarding the habitability of Rongelap Atoll involves the following four primary issues:

(1) *Radiation Contamination Never Comprehensively Studied At Rongelap Atoll.* DOE irradiated Rongelap Atoll and the Rongelap people when the nuclear test Bravo was detonated 35 years ago. Today, more than three decades later, the DOE has yet to reveal the true nature and extent of radiation contamination at their atoll.

No comprehensive survey has ever been undertaken for Rongelap Atoll. No cleanup program has ever been implemented. Despite the obvious lack of quality data and reliable information, DOE nonetheless declares Rongelap habitable. DOE's declaration, plainly stated, simply lacks integrity.

(2) *DOE Opposes The Independent Survey of Rongelap.* DOE wants to block the law from being implemented. The Compact of Free Association of 1985 provides for an "independent" (non-DOE conducted) and comprehensive survey of "radiation and other effects...resulting from the thermonuclear test." DOE vigorously opposes any independent review of its 35-year health and environmental work. If Rongelap Atoll is to ever to be resettled, the first step in an orderly process is to conduct a comprehensive study -- of our land and of our people.

(3) *DOE Has Violated Standards of Medical Ethics.* DOE has violated standards of medical ethics. DOE doctors obtained urine samples from individual

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[2] Rongelap recognizes that the DOE was not created until 1977. For simplicity and consistency, the term "DOE" is used throughout our statement, even when referring to actions taken by the Atomic Energy Commission (AEC) or Energy Research and Development Agency (ERDA), the predecessor agencies to DOE.

Rongelap patients for what the Rongelapese believed were exclusively to be used for clinical analysis and medical purposes. Recent disclosures by Dr. Henry Kohn in the Rongelap Reassessment Project reveal that results routinely and regularly obtained from DOE's long-term plutonium urine testing program were withheld from Rongelap citizens and Rongelap "patients." Consent to participate in DOE research with the Rongelap people was never obtained.

(4) *DOE Has A Conflict-of-Interest Overseeing Health, Safety and Environmental Studies At Rongelap*. DOE today lives with a conflict-of-interest. DOE's Defense Weapons Program and the Office of Defense Weapons Research should not be in charge of Rongelap's health, safety, and environmental determinations. DOE detonated the bomb. DOE irradiated Rongelap. DOE should not be the exclusive judge of its own past actions. DOE should not study itself.

RONGELAP AND ITS PEOPLE
THE STATE OF AFFAIRS TODAY

The Rongelap people today live in exile at Mejato, a small island at the far end of the Kwajelein Atoll. It is not a good place to live. Conditions are bad. Food supplies are limited. Resources are sparse. We are too far away from hospitals and doctors.

We evacuated Rongelap Atoll in 1985 because we believed it to be contaminated and unsafe. The DOE doctors repeatedly told us we were fine, but one-by-one over the years, more than 20 members of the Rongelap community were transported to Cleveland, Ohio for thyroid operations. We feared for the children.

The Rongelap people wish to return home. However, we will only return home if Rongelap Atoll is determined to be safe. The basis for such a determination, a comprehensive radiological survey of the atoll, has never been made in the 35 years since the 1954 "Bravo" test irradiated our land and our people.

DOE program managers in the Defense Weapons Program and the Nevada Operations Office have declared Rongelap safe.

Congress, at the time the Compact was considered, recognized there were significant unresolved radiation and health issues at Rongelap and a special provision[3] was incorporated into the Compact mandating an "independent" review of the

[3] Public Law 99-239, Section 103(i).

Department of Energy's 1982 Radiation Report[4]. This was the third of three DOE bilingual studies[5] provided to Marshallese communities to inform them about contamination of their lands by the U.S. nuclear weapons testing program[6].

Rongelap testifies today in support of the Compact and today asks nothing more than is already authorized and is already provided for in law. DOE has stated repeatedly that such a study is not needed and should not be undertaken. The DOE program managers oppose the Compact. Rongelap believes they fear an independent study.

Today, the people of Rongelap continue to live in fear.

The people of Rongelap come before you in desperate need of both technical and humanitarian assistance.

We come before you with questions, about our environment and our health, the answers to which have been denied us by DOE.

We come before you to urge that the "independent" study of Rongelap, promised in law -- The Compact of Free Association of 1985 [Public Law 99-239] -- be immediately initiated.

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[4] The Meaning of Radiation For Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978, U.S. Department of Energy, Washington, D.C. November 1982.

[5] The first bilingual report, The ENEWETAK Atoll Today, was published by DOE in September, 1979. The second bilingual report, THE MEANING OF RADIATION AT BIKINI ATOLL, was published September 1980.

[6] According to, EG&G, one of the DOE contractors who participated in the 1978 survey, in their Report, An Aerial Radiological and Photographic Survey of Eleven Atolls and Two Islands Within the Northern Marshall Islands, "Since the 1954 Bravo event, periodic routine medical studies have been performed at Rongelap and Utirik Atolls. Radiation surveys have also been performed at these atolls...None of these surveys, however, have been as complete or as thorough as the 1972 Enewetak survey. The United Nations trust agreement is presently scheduled to end in 1981. **It was felt that a complete and comprehensive radiological survey was required, prior to termination of the agreement, over those atolls known to have been, or suspected of having been, contaminated during the U.S. Pacific testing program**. Such a survey would be the basis for a radiation dose assessment of the inhabitants." (Emphasis added.)

We come before you, a people in self-imposed exile, with the most basic human needs of food and shelter unmet.

We come before you as a community with severe medical problems and significant uncertainties about our health.

We come before you as mothers and fathers who fear for our children.

RECOMMENDATIONS TO CONGRESS ON BEHALF OF THE RONGELAP ATOLL LOCAL GOVERNMENT

Specifically, today we appear before this Committee to ask:

(1) That the Phase 2 comprehensive and independent study of Rongelap Atoll be undertaken pursuant to Public Law 99-239, Section 103(i), the Compact of Free Association.

(2) That the U.S. Government and the Congress fund the Phase 2 Work Plan, MAKING RONGELAP HABITABLE: PROPOSED WORKPLAN FOR A PHASE 2 COMPREHENSIVE STUDY, prepared by P&D Technologies, April, 1989.

(3) That humanitarian emergency assistance be granted the Rongelap people to provide for temporary resettlement during the Phase 2 study and implementation of resulting cleanup recommendations.

(4) That the U.S. Government fund, based upon the conclusions and recommendations as to habitability that results from the Phase 2 study, the Preliminary Plan for the Rehabilitation and Resettlement Study of Rongelap Atoll, prepared by Holmes and Narver, April 1988.

(5) That the Compact of Free Association be amended to extend the US food assistance program, which will soon expire, 30-50 years to conform to the recommendations of the Rongelap Reassessment Project.

(6) That the Department of Energy, and in particular Brookhaven National Laboratory, be directed to make all medical and research records fully available, without cost, to members of the Rongelap community, including the records of deceased Rongelapese, so that the Rongelap people may present claims to the Nuclear Claims Tribunal, created by the Compact of Free Association and ensure that those medical and research records are reviewed as part of Phase 2 study.

(7) That the US Government, and in particular the US Department of Energy, be directed to fully cooperate with the Phase 2 study by making all studies, documents, data, and other historical and materials available to the Phase 2 Study Team.

(8) That the statutory principle of "independence" as contained in Public Law, 99-239, The Compact of Free Association, be upheld. Today, it is wrong for DOE to study its own work on health, safety and the environment.

(9) That Rongelap be afforded the right to select the Phase 2 study contractor.

THAT MOMENT IN HISTORY
NUCLEAR TESTING IN THE PACIFIC

Last March 1 marked the 35th anniversary of one DOE nuclear test, code-named "Bravo." Part of the Castle series of tests, Bravo was one of the 66 atmospheric tests conducted in the Marshall Islands between 1946 and 1958 by the US Department of Energy.

THE DAY THE SUN ROSE TWICE
THE BRAVO TEST

Approximately five hours after detonation, it began to rain radioactive fallout at Rongelap. Within hours, the atoll was covered with a fine, white, powdered-like substance. No one knew it was radioactive fallout.

DOE did not tell the Rongelap people about the Bravo test in advance. We did not know what was happening. The children played in the snow. They ate it. With that moment, the people of Rongelap and radiation became bonded, linked -- perhaps for all of time.

The morning of March 1, the morning DOE detonated Bravo, will forever be recorded in our history as "the day the sun rose twice." That moment forever changed our lives.

RONGELAP PEOPLE EVACUATED

The third day after Bravo, suffering from a near-lethal radiation dose, the Rongelap people were evacuated. The Rongelap community would remain at Kwajelein for more than three years.

DOE DECLARES RONGELAP SAFE IN 1957 THE PEOPLE WERE RETURNED

By 1956, DOE was actively considering a decision to return the people to Rongelap. In 1957, DOE concluded it was safe and returned us to one of the primary residence islands at Rongelap Atoll, Rongelap Island.

In 1988, we obtained documents from the archives of the old Atomic Energy Commission's Advisory Committee on Biology and Medicine pertaining to the decision to return the Rongelap people. The word "safe," as Rongelap has come to learn, has a meaning at DOE that, it would appear, only applies to the Rongelap people. The November 17, 1956, discussion on "Return of Rongelapese" is reported in the Committee's minutes as follows:

> *DR. DUNNING was then asked to present his report on radioactive contamination of Pacific areas...After Dr. Dunning's report...Dr. Durham asked for comments from the Committee concerning the return of the natives to Rongelap. The current low morale of the natives was pointed out and the advantages of returning them to their homes presented as a factor which should be balanced against the possible radiation hazard in their return. It has been suggested by Dr. Conard that they be permitted to return in April or May, 1958. Further discussion followed as to means of continuing the monitoring of these natives and also those from the Island of Uterick for comparative purposes. DR. Glass expressed the opinion that be believed that the benefit of returning them is inclined to outweigh the danger and that it would be unrealistic to base conclusions on the dose levels intended for a large population to this relative small group, even though it is an entire population. DR. FAILLA pointed out that the ICRP limit of 5.0 per year is not intended to be the limit for a large population. It was agreed that because of the relatively high*

> *exposure to which these natives had already been subjected, limiting their exposure in terms from now on was unrealistic; but on the other hand, the psychological effect of permitting them to receive more radiation than our own people, could be subject to criticism. A further discussion resulted in the decision to prepare a statement expressing the Committee's opinion.*

The Advisory Committee, the minutes further indicated, then approved a statement on resettlement of the Rongelapese. The following statement was prepared and included in the minutes:

> *It is moved that the ACBM approve the Division of Biology and Medicine's proposal to return the Rongelapese to their native atoll. However, it is the opinion of the ACBM that if it should become necessary to re-evaluate because of further tests, there would result world opinion unfavorable to the continuation of weapons testing.*

Shortly after returning to Rongelap, our people began to get sick.

By early 1960, however, the DOE doctors began discovering significant "unanticipated" medical problems and began performing operations to remove thyroid nodules. Between 1960 and 1982, 24 operations were performed on Rongelap people to surgically remove thyroids. During approximately the same period, another 15 similar cases were found at Utirik, a neighboring atoll also irradiated by Bravo.

DOE was wrong in 1957 when they declared Rongelap safe.

THE AFTERMATH OF BRAVO
CANCER TAKES THE FIRST RONGELAP LIFE

Yesterday marked a special anniversary for the Rongelap people. On November 15, 1972, 15 years ago, a young Rongelap man, nineteen years old, died in a small hospital room at the National Institute of Health hospital in Bethesda, Maryland. He died while being treated for acute myelogenous leukemia.

The cancer was acknowledged and attributed to radiation from the nuclear test Bravo. On March 1, 1954, Lekoj was one-year old and was one of the children who played in the DOE-made snow called fallout. Lekoj Anjain is the son of my brother and my nephew. With our appearance today, all of Rongelap honors and remembers him.

IS RONGELAP ATOLL SAFE?

The contemporary story of Rongelap begins with fundamental questions asked by the Rongelap people, over and over again:

* IS RONGELAP ATOLL SAFE?
* ARE THE RONGELAP PEOPLE HEALTHY?
* IS RONGELAP ATOLL SAFE TO RESETTLE?

We ask these questions of the Department of Energy.

We ask them of the DOE doctors.

We ask them of the DOE environmental specialists.

Most of all, *the Rongelap people ask these questions of one another.*

No matter how many times we ask the questions, answers are not forthcoming. The questions are reasonable. DOE's refusal to respond is not.

The Rongelap people moved into exile in 1985 because of the overwhelming belief that we were not safe at Rongelap and that the people, and especially the children, were at risk.

Since that time, we have attempted to find out if the environment at Rongelap Atoll -- the soils, land, birds, fish, and foods -- is safe and if our atoll is habitable. We have not been successful.

The Department of Energy will not answer our questions. They refuse. The Compact -- the law -- provides for an independent process to obtain this information. That is what we want.

EXPERTS DECLARE RONGELAP ATOLL CONTAMINATED

The Rongelap Council, in 1987, at the recommendation of the RepMar Government contracted with one of the nation's leading radiation cleanup companies, Holmes and Narver, of Albuquerque, NM to prepare a plan for the rehabilitation and resettlement of Rongelap Atoll. Holmes and Narver is one of the prime contractors to the Departments of Energy and Defense with three decades experience in the Marshall Islands.

The Holmes and Narver Report[7] was completed in April 1988 and submitted to Congress at that time. The principal conclusion of this report is that, "unfortunately, existing physical and radiological conditions at Rongelap Atoll do not offer the Rongelapese a safe place to live." Rongelap Atoll was contaminated with radiation and, therefore, unfit for human habitation.

Holmes and Narver concluded further that "their islands [of Rongelap Atoll] have been contaminated for several future generations yet to come."

Recognizing that Rongelap was presently unsafe, Holmes and Narver recommended that "radiological rehabilitation of Enewetak Atoll and ongoing radiological experiments at Bikini Atoll suggest it is possible to rehabilitate Rongelap Atoll to the point of being safe again for human habitation."

The Holmes and Narver Report confirmed the worst suspicions of our people. We fled Rongelap because we believed it unsafe. We were right.

DR. HENRY KOHN CONCLUDES RONGELAP CONDITIONALLY SAFE

Another study presented to Congress the same week contradicted the findings of Holmes and Narver. In direct conflict with the finding that Rongelap was not safe and required cleanup, the second study concluded Rongelap Island was safe for adults to resettle immediately. On April 26, 1988, Dr. Henry I. Kohn, Director of the Rongelap Reassessment Project submitted his Preliminary Report to the United States Congress.

Rongelap has never been able to reconcile the conflict between the conclusions presented between these two studies. Neither DOE nor Dr. Kohn have commented on the Holmes and Narver plan at any time since the publication.

For the past decade, report after report rocked our community.

TWO REPORTS IN 1982 SHOCK RONGELAP

1. DNA HISTORICAL REPORT

Two reports were published during a seven-month period in 1982. Together, these documents would overwhelm the Rongelap people and ultimately lead us into

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[7] A Preliminary Plan for the Rehabilitation and Resettlement of Rongelap Atoll, prepared for the People of Rongelap Atoll, April 1988.

exile. The first was a Defense Nuclear Agency (DNA) historical report entitled, CASTLE SERIES, 1954: UNITED STATES ATMOSPHERIC NUCLEAR WEAPONS TESTS, NUCLEAR TEST PERSONNEL REVIEW, April 1, 1982. The second was a Department of Energy Report entitled, A SURVEY OF THOSE ATOLLS IN THE NORTHERN MARSHALL ISLANDS THAT WERE SURVEYED IN 1978, November, 1982.

The Truth About the Bravo Test. In the hours and days that would follow the dawn blast at Bikini, Bravo became instant world news. The Bravo test, according to hasty explanations publicly advanced within days, was an accident. Test plans called for the wind to carry the fallout away from Rongelap. The unexpected wind direction, DOE told the world, was not known. And while the Rongelap people were suffering from a near fatal dose of radiation, DOE was telling the world we were fine.

The 1982 DNA Report, published 28 years after the test, revealed the truth about the wind and what was known before the H-Bomb was tested. It contradicted the "storyline" told and retold to us and the world over the years.

The DOE Knew The Wind Shifted. It turns out that the DOE knew the wind had shifted. According to the DNA Report:

> *At the 1800 weather briefing, the predicted winds were less favorable; nevertheless, the decision to shoot was reaffirmed, but with another review of the winds scheduled for 2400.*

With nightfall, DOE tracked and measured the winds as they proceeded to worsen. The DNA report states further:

> *The midnight briefing indicated less favorable winds at 10,000 to 25,000-foot...levels. Winds at 20,000 feet were headed for Rongelap to the east.....The decision to shoot was reaffirmed, at least until the 0430 briefing.*

And finally, at the 0430 briefing, "no significant changes" in the wind were reported. Bravo was detonated at 0645.

DOE Evacuated the Bikinians, But Not the Rongelapese. The Bikinians had been evacuated long before the test. There were no Bikinians in the vicinity of the test site.

The people of Rongelap were not similarly evacuated. We were not even advised that the test was pending. No warning was ever issued.

Beginning at least twelve hours prior to the test, the DOE project leaders knew the wind had changed. They knew their weather predictions were wrong. Despite that knowledge, the decision was made.

Truth Shocks Rongelap People -- DOE Knew. For almost three decades, the Rongelap people had been told it was an accident. We were told that the Government did not know the winds would carry the near-fatal radioactive fallout to Rongelap. The Bravo "incident" may not have been intended, but without question, it was no accident.

They knew. We were stunned and shocked. The DOE had been lying to us for all those years. We were angry.

The disclosures, and resulting anger, from the Defense Department's 1982 Report would soon be compounded by year's end. DOE would tell us about radiation at Rongelap.

2. THE DOE BILINGUAL RADIATION REPORT

The DOE Report -- Fear Overwhelms Rongelap Community. To provide Rongelap and other Marshallese communities with information about radiation on their respective atolls in anticipation of the Compact, DOE conducted a survey in 1978 of 13 atolls in the Northern Marshalls. DOE published the report, The Meaning of Radiation For Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978, in November 1982. The first presentation of that report was made the following month in Majuro, the Marshall Islands Capital. In April, 1983, a DOE team presented their Report to the Rongelap community at Rongelap Atoll.

The Report was linked to the pending negotiations on the Compact. The intended purpose of the study, according to DOE, was to provide information about the radiological conditions of Rongelap so that, with the US Trusteeship soon to expire, we could make decisions about our future. At the time, negotiations for the Compact had been underway since 1969 and were nearing completion.

The DOE 1982 Bilingual Radiation Report terrified the Rongelap people.

The DOE Map. To the Rongelap people, the single most significant data in the DOE Report was the two-page color map[8]. Rongelap, according to DOE, was as contaminated as Bikini and Enewetak -- atolls where the atomic tests occurred.

The map displays radiation levels at Bikini, Enewetak, Rongelap and the other atolls in the DOE survey. Using a number-scheme of 1-4, the map indicates the relative levels of radiation -- as of 1978, (a quarter of a century after the Bravo test).

Level 1 was the lowest and level 4 the highest. The readings for Bikini, Enewetak, and Rongelap were virtually identical.

Bikini Evacuated, Rongelap Told By DOE To Stay. The Bikinians began to resettle their atoll in 1969. Less than a decade later, in 1978 [the very year in which the DOE survey was conducted], DOE abruptly evacuated all Bikinians. Bikini was too contaminated.

The numbers from the survey for Rongelap and Bikini were virtually identical[9]. The Bikinians were evacuated, but the Rongelap people were told to stay. DOE stated that Rongelap was safe and that our fears were unjustified.

Rongelap People -- Get Away From Rongelap. From the moment the DOE Report was presented to us, the 66-page document began to overwhelm and dominate our lives. Fear gripped the people. We had to leave the atoll.

MARSHALL ISLANDS GOVERNMENT DEMANDS RONGELAP RELOCATION

DOE Presents Radiation Report to Rongelap. In April, 1983, the DOE study team came by ship to Rongelap Atoll to present their Report. After reading the DOE report, members of the community became angry. One member of the community threw a coconut at the DOE briefing party.

DOE, in a panic, immediately "evacuated" Rongelap, claiming they were "attacked." No formal presentation of their Report was ever received. The moment they departed, the people demanded to be removed from Rongelap.

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[8] Pages 8-9, DOE 1982 Bilingual Radiation Report.

[9] In 1989, DOE would acknowledge that even this map understated the radiation profile for Rongelap.

Nitijela Resolution 25 Unanimously Calls For Relocation. The Marshall Islands legislature, the Nitijela, met a few months later. On August 9, 1983, Resolution Number 25 was unanimously adopted calling upon the United States Government to immediately relocate the Rongelap people. I am a member of the Nitijela and I sponsored the Resolution.

U.S. Ignores Resolution. To this day, I have never seen a response from that Resolution. The request was ignored. No assistance was ever forthcoming.

U.S. Relocated Bikini, But Not Rongelap. The U.S. relocated Bikini. Rongelap was denied similar treatment for similar circumstances.

Rongelap's Unanswered Plea. In May, 1984, appearing in this very room and before this Committee during hearings on the Compact, Rongelap asked again to be relocated.

DOE Declares Move From Rongelap Unjustified. Immediately after the hearing, Chairman Seiberling submitted questions to DOE about the circumstances at Rongelap. DOE responded to the Committee stating, "DOE officials have discussed the subject with each of the government entities and have assured them that on the basis of radiological considerations no justification exists for again disrupting the lives of the Rongelap people.[10]"

RONGELAP PEOPLE FLEE - MOVE INTO EXILE

Fear Overwhelms Rongelap. Fear continued to overwhelm our community. Radiation became the exclusive focus of our attention. Our daily lives became dominated by and obsessed with the poison. And then there was the DOE map. People would stare at it. They would constantly talk about it.

No One Would Help. Silence was the only response to our request for assistance. The U.S. Government would not help us. Rongelap, we came to understand, had to turn elsewhere.

Find Another Place to Live. We had three fundamental problems. First, we had to identify another island or atoll, presently uninhabited, to which we could

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[10] Letter, from Assistant Secretary for Territorial and International Affairs, Richard F. Montoya, October 15, 1984. This letter is published in the Hearings Record, Subcommittee on Public Lands and National Parks, May 8, 1984, page 312, Serial No. 98-56, Part II.

relocate. Second, we had to find a landowner who was willing to rent his land, and third, we had to find a way to get there.

Early in 1985, Rongelap arranged to rent Mejato, a small, remote, uninhabited island at the far end of the Kwajelein Atoll. The first two problems were overcome. Transportation became the final obstacle. When the U.S. turned its back, and no one else would help, Rongelap asked Greenpeace.

Evacuation. In May, 1985, the Greenpeace ship, Rainbow Warrior, moved the Rongelap people and the entire community's worldly possessions. The move was the saddest day ever in the life of my people.

The Rongelap People Become Pacific Nomads. Rongelap received immediate criticism from the U.S. Government for taking this action. It was curious, however. The U.S. would not respond to Nitijela Resolution No. 25, but instantly responded to the evacuation, condemning it. Stepping aboard the Rainbow Warrior, the Rongelap people became Pacific nomads.

THE COMPACT MANDATES A REVIEW OF DOE REPORT

Back in Washington, at the very time the Rongelap people evacuated, the House Interior Committee would markup and report the Compact of Free Association. Congress reached agreement on the legislation later that year and President Reagan signed the Compact into law in January, 1986. Ratification between the nations took place in October, 1986.

Congress Declares Radiation Issues At Rongelap Unresolved. The Congress, in the Compact, recognized there were unresolved radiation and health matters at Rongelap Atoll and among the Rongelap people.

Accordingly, Congress in Section 103(i) mandated that a reviewer of the DOE 1982 Radiation Report be selected, and the reviewer's contract managed, by the Marshall Islands Government with the full involvement of the Rongelap Atoll Local Government.

By the terms of Compact Act, a two-step process was then authorized.

Independent Review Mandated. An independent review was to examine the data and conclusions contained in the DOE 1982 Bilingual Radiation Report and determine:

(1) if the data was "adequate;" and

(2) if the conclusions as to habitability were "fully supported" by the data in that DOE report.

Ratification Requirement. If the data in that DOE Report was adequate and the conclusions fully supported by DOE data, then the reviewer was directed to ratify that fact to the President of the United States and the U.S. Congress.

Comprehensive Survey Authorized. If the data was "inadequate," or the conclusions as to habitability were not "fully supported" by the DOE data, then an independent and comprehensive study (Phase 2) of radiation and other effects was to be immediately undertaken.

The statutory tests were minimal. If either test was not met, that would automatically trigger the Phase 2 comprehensive and independent study.

U.S. Policy Set Forth -- Habitability Threshold Test For Rongelap. Section 103(i) of the Compact sets forth the U.S. policy with respect to Rongelap, and the ultimate policy goals to be achieved:

(1) take steps as necessary to overcome effects of fallout on habitability of Rongelap;

(2) restore Rongelap, as necessary, so that it can be safely inhabited; and,

(3) return the people to their homeland.

HABITABILITY – KEY ISSUE

The provision of the Compact, Section 103(i), is very short, only three paragraphs. In it, the word "habitability" is used on eight separate occasions. It is the key word in the statute. Habitability, for the Rongelap people, is the threshold issue.

Habitability is legally defined in Black's Law Dictionary as:

> CONDITION OF PREMISES WHICH PERMITS INHABITANTS TO LIVE FREE OF SERIOUS DEFECTS TO HEALTH AND SAFETY.

This is not the definition used by the Department of Energy.
This is the definition embraced by Rongelap.

Each time DOE is confronted with questions about safety or habitability, they alter, and then restate, the proposition. To DOE, "habitability" is defined as the U.S. Radiation Guide. DOE goes to great length to avoid answering or addressing key questions as framed or asked by the Rongelap people.

THE U.S. RADIATION PROTECTION GUIDE
THE 1960 STANDARD

The current U.S. guideline on radiation exposure was administratively adopted 29 years ago in 1960[11].

The "Radiation Protection Guide" has two basic components, an annual and a 30-year dose. All discussions regarding Rongelap by DOE and others exclusively use these numerical standards.

Dose is measured in units called "rems."

The annual limit is .5 rem.

The 30-year dose is 5 rems.

In DOE reports on Rongelap, including the 1982 Report, the 1960 standard is invoked. DOE limits the application of the U.S. guide to the radiation limits cited.

However, the 1960 standard contains several other significant provisions which are not referenced or discussed by DOE, including the first recommendation in the policy -- the "benefits standard:"

> There should not be any man-made radiation exposure without the expectation of <u>benefit</u> resulting from such exposure.

DOE has not, in its reports, revealed the "benefit" for the radiation exposure we would receive in the future if we return to Rongelap. DOE never talks to us about the benefits from radiation.

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[11] Federal Radiation Council, Radiation Protection Guidance For Federal Agencies, Memorandum for the President, signed by President Dwight Eisenhower, <u>Federal Register</u>, Pages 4402-4403, May 18, 1960.

The 1960 policy "for guidance to Federal agencies in the conduct of their radiation protection activities" further recognizes the hazards and resulting medical conditions from radiation. It identifies nine "scientific findings concerning the biological effects of radiation of most immediate interest to the establishment of radiation protection standards," including:

* that acute doses may produce immediate or delayed effects;

* that delayed effects are generally indistinguishable from familiar pathological conditions usually present in the population;

* that delayed effects include genetic effects, including successive generations; and,

* that delayed effects also include increased incidence of tumors, lifespan shortening, growth, and development changes.

Finally, the 1960 standard imposes special concern for children. The 1960 guide states, simply and directly, "the child, the infant, and the unborn infant appear to be more sensitive to radiation than the adult."

DOE, in its Rongelap environmental and health assessments, programmatically ignores most of the criteria in the 1960 guide.

RONGELAP REASSESSMENT PROJECT CREATED

The Marshall Islands Government, in August, 1987, selected Dr. Henry I. Kohn to review the DOE 1982 Bilingual Radiation Report. Recommended to RepMar by the Department of Energy, Dr. Kohn was selected over the objections of the Rongelap leaders. For several years, Kohn served as the Bikini Atoll Rehabilitation Committee (BARC) which formulated plans for the cleanup and restoration of Bikini. In retrospect, Rongelap's fears concerning the selection of Dr. Kohn were justified.

RONGELAP REASSESSMENT PROJECT REPORTS

The Kohn effort lasted from August of 1987 to July 1988. In April, he submitted a Preliminary Draft to Congress. On July 22, 1988, Kohn published the Rongelap Reassessment Project Final Report.

Dr. Kohn's Primary Conclusion. Kohn's primary conclusion, noted earlier, was that "Rongelap Island is safe for habitation by adults provided that the diet is equivalent to that formerly used" and, that therefore, "...Rongelap Island appears safe for resettlement now."

Kohn Review Immediately Challenged. Reaction to the study was immediate. His study was challenged so severely by members of Kohn's own study team that he was compelled, within weeks of publication, to write Rongelap stating, "**I never meant to imply that the Rongelap people should return to Rongelap Island at any particular time before the recommended studies of plutonium dosage, infant/childhood diet, etc. had been carried out**[12]."

With that statement, Dr. Kohn abruptly reversed his primary conclusion.

CORRECTED EDITION of Kohn Report Issued. Nine months after completion of his study, on March 1, 1989, (coincidently the 35th anniversary of Bravo) Kohn published the Rongelap Reassessment Project Final Report, Corrected Edition. In it, Kohn alters his primary conclusion by inserting the words, "before return" regarding various studies recommended.

There were many other questions about what Dr. Kohn did, what he said, and what he meant. Rongelap would learn that there were other more basic and more fundamental problems with the review.

Kohn "Repeals" Compact. Kohn functionally "repealed" Section 103(i) of Public Law 99-239. Kohn rejected the statutory mandate set forth in the Compact to review the DOE data contained in the DOE 1982 Report and to determine if it was "adequate" and to determine if the conclusions were "fully supported" by that data. Kohn drops both study requirements. His first act, as contractor, was to unilaterally change the terms -- terms defined by law -- of his review. That decision was neither discussed nor disclosed to Congress. There was no disclosure or consultation with the Rongelap people whatsoever.

Kohn Concludes DOE Data Inadequate. At the very beginning of his study, Kohn concluded that the DOE data was so "meager" and therefore inadequate that he had return to the Department of Energy and obtain new data. The DOE program managers, to avoid obvious embarrassment, were anxious to cooperate.

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[12] Letter from Dr. Kohn to Senator Anjain, October 3, 1988.

Kohn Concludes Privately That DOE Wrong. Kohn, just prior to the publication of his Report, wrote to one of his study team members Bernd Franke, stating that "I agree that DOE did not state its conclusions correctly[13]."

While privately acknowledging that DOE failed the key statutory test, no such statement regarding the failure of DOE to state its conclusions correctly appeared in either Kohn's Preliminary Report (April, 1988), the Final Report (July, 1988), or the Final Report CORRECTED EDITION (March, 1989). Dr. Kohn's private conclusion should have been reported to Congress. It never was.

Rongelap asserts that Kohn failed his task and, in so doing, he exceeded his statutory mandate and contract with the Marshall Islands Government.

Another Key Statutory Requirement Ignored. Kohn ignored another congressional requirement. Section 103(i)(2) states that, "if the party reviewing the data (Kohn) concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President of the United States and the Congress shall so state."

There is no such statement is his Report.

Kohn concludes that Rongelap is safe, but fails to provide, as mandated, a statement of adequacy and accuracy [regarding DOE data and conclusions] to the President and the Congress in the Rongelap Reassessment Project Final Report of July 22, 1988 or the Corrected Edition of his Final Report March 1, 1989.

RONGELAP REASSESSMENT PROJECT SIGNIFICANT DISCLOSURES

Kohn Fails to Address Central Issue -- DOE Map Wrong. Kohn elected to ignore something else -- something basic and fundamental to the Rongelap people. His report never discusses the two-page color-coded radiation map in the DOE 1982 Radiation Report showing high levels of radiation contamination throughout Rongelap Atoll.

Rongelap leaders met with Kohn in California last December. We asked why his study, directed to examine the DOE report, was silent about the DOE map? Kohn responded that the map was irrelevant.

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[13] Letter, from Dr. Henry I. Kohn to Bernd Franke, March 3, 1988.

Kohn, it appeared, did not understand why Congress directed a review of the DOE report in the first place. The relationship between the DOE map and the Rongelap decision to evacuate our homeland of 4000 years was not recognized.

Kohn Fails to Address Central Issue Dose and Diet. Dr. Kohn's report found a major error in the DOE 1982 Report regarding the estimates of dose and the selection of diets upon which dose was calculated. The DOE 1982 Report reported safe doses based upon a "local food only" diet. Dr. Kohn concluded that the diet upon which the reported safe doses were, in fact, based was not a "local food only" diet, but rather a diet consisting of a mixture of imported and local foods.

He went on to conclude that, as a result, doses based upon "local food only" from Rongelap Island, "would have been higher."

This is an extremely important issue for the Rongelap people in making an informed decision about whether or not Rongelap can be safely resettled. One of Dr. Kohn's consultants calculated the higher doses and determined that the allowable dose levels would be exceeded.

Other Serious Problems with the Kohn Study Included:

* failure, when reviewing DOE dose calculations dose, to include the most contaminated Rongelap people, those present when Bravo was contaminated;

* failure to communicate with the Rongelap people as promised throughout the study;

* failure to honor contractual rights of study team members to file dissents;

* failure to include dissents in the CORRECTED EDITION of the Final Report (March 89), published nine months after the Final Report (July 88); and,

Finally, the recommendations set forth by Dr Kohn in the Rongelap Reassessment Project Report directed to the Department of Energy are inconsistent with the principle of "independence," established in the Compact. Kohn's recommendations all direct DOE to redo or continue previous work. He ignores the Compact requirement, if further work is required, that it be undertaken "independently."

Kohn was not empowered and had no authority to change the Compact. The Compact was passed by the Congress and signed into law by President Reagan in 1986.

He was directed to review a single DOE Report and to determine the adequacy of data contained in it. He failed his stated task. He restructured his study, it would seem, with the obvious assistance of DOE program managers. In so doing, the principle "independence" in law has been compromised.

RONGELAP REASSESSMENT PROJECT SIGNIFICANT DISCLOSURES

The Kohn's Rongelap Reassessment Project Report is seriously flawed, but nonetheless, is not without substantial value. The Rongelap Reassessment Project identified a number of radiation and health issues previously unknown and arbitrarily withheld from the Rongelap people by the Department of Energy.

For Rongelap, the Kohn Report (1) reveals specific errors made in the DOE 1982 Bilingual Radiation Report regarding food, diet, health and dose and (2) identifies new issues previously unacknowledged.

From the Rongelap Reassessment Project, the Rongelap people learn that:

* DOE Did Not Tell Rongelap People About Plutonium in their Bodies. DOE data regarding plutonium in the bodies of Rongelap people was not included in the DOE Report. In response to an inquiry from this Committee, DOE wrote early this year, that plutonium is mentioned many times in the DOE 1982 Report. While nominally accurate, it is nevertheless deceptive. The link between plutonium in the general environment and plutonium in the lands of Rongelap Atoll is never made. DOE also failed to report that the Rongelap people were being tested for plutonium in their urine immediately prior to publication of the DOE 1982 Report.

* DOE Plutonium Research Program and Rongelap People. The DOE Report never reveals that the Rongelap people were part of an on-going plutonium research program at Brookhaven National Laboratory.

* DOE Report Understates Environmental Contamination At Rongelap Atoll. DOE does not reveal the nature and extent of radiation contamination in the Rongelap environment.

* DOE Structures Its Report to Provide Less Dose, Diet and Radiation Data Than Provided Bikini or Enewetak. The DOE bilingual report was the third in a series published between 1979 and 1982. When compared to the previous two reports, one on Bikini and the other on Enewetak, it is clear that DOE arbitrarily decided to provide far less data and other information about dose, diet or plutonium to Rongelap.

* DOE Work Plan Intended to Examine Plutonium -- DOE Reverses Itself. An internal DOE work plan, drafted in 1978, recognized "there is little or no data on possible plutonium contamination outside of Bikini and Enewetak." Further, the purpose of the study was "to provide a meaningful dose assessment," based on the collection of samples including those of plutonium and other transuranics. Limited samples were obtained, but the significance of environmental contamination is not revealed. Plutonium in not included in dose calculations.

* DOE Report Incorrectly States Diet and Dose Data. DOE, in the Bikini and Enewetak bilingual reports published in 1979 and 1980, calculates dose using two different diets, one in which only local foods are consumed, and the other in which imported foods are predominantly consumed. DOE does not do this in the 1982 Report. Only the "local food only" diet profile is provided and its wrong. According to Kohn, "DOE-1982 stated that the diet on which its reported doses were based consisted only of local foods from Rongelap Island. That statement is incorrect." Kohn goes on to say, without such food imports, "the doses would be higher."

* DOE Restricts Dose Calculation to Rongelap Island and Does Not Consider Dose for Remaining 60 Islands of Rongelap Atoll. DOE when calculating dose, limits that calculation to "Rongelap Island," rather than the entire Atoll. This arbitrary process distorts and underestimates radiation dose. In the process, DOE eliminates the most contaminated areas of Rongelap Atoll.

* DOE Structures its Report to Eliminate the Most Contaminated Rongelap People. DOE, by measuring dose from 1978, concludes that less than the U.S. standard (less than 5 rems) would be received in the coming 30 years. That overlooks the Rongelap population exposed in 1954 who presently have more than 190 rems. In effect, DOE administratively removes the most contaminated segment of the Rongelap population and then calculates dose. This distorts any meaningful analysis.

* Northern Islands of Rongelap Are Declared "Forbidden Territory." DOE understates the seriousness of contamination to the atoll. Kohn calls the northern islands of the atoll above Eniaetok "forbidden territory" in his first report to Congress. DOE exclusively limits its determination of safety to Rongelap Island and will not reveal the radiological status of the other 60 of 61 islands in the Atoll. If those islands are not safe, as DOE defines it, then those islands should have been recommended for cleanup. There has been no cleanup.

* DOE Data Limited, Inadequate. Kohn reports he was unable to proceed with his review based on the data from the DOE 1982 Radiation Report because the data was "meager" and "inadequate." The 1978 DOE survey was undertaken was intended to provide comprehensive data on Rongelap and other atolls in the Northern Marshall Islands.

* Medical and Health Information Not Provided in DOE Report. The Rongelap people were handed the DOE 1982 Report and told it would help them make decisions about their future after Trusteeship ended and they began life under the Compact. From the very moment this report was first presented in Majuro in December, 1982, Rongelap said this information was incomplete. In order to make decisions about the future, health information was also required. It was not provided in the DOE report.

The Rongelap Reassessment Project revealed several new issues and raised many new questions. To that extent, Dr. Kohn has made a significant contribution to a better understanding of these difficult issues.

THE DOE METHOD OF DETERMINING SAFETY AND HABITABILITY FUNDAMENTALLY AND STRUCTURALLY FLAWED

Rongelap believes that DOE's method of making determinations about "habitability" or "safety" is fundamentally flawed. The DOE process is overly, if not exclusively, dependent upon the calculation of radiation dose. Radiation dose, properly calculated, is a useful tool in making safety and habitability determinations.

The DOE process, Rongelap believes, is a direct result of the limited experience addressing radiation problems at Enewetak and Bikini where the bombs were tested and the environment severely irradiated and contaminated. Rongelap is different from Bikini and Enewetak. The peoples of those atolls were not contaminated. At Rongelap, the people and the land are both contaminated.

Rongelap believes that the manner in which DOE calculates, displays, and uses dose to make policy decisions affecting Rongelap is seriously flawed.

Dose is a tool. Properly presented, it can be a useful in assessing risk and making informed decisions. The manner in which DOE calculates doses, however, limits its use as the sole determinant for reaching decisions about habitability or safety.

There are several reasons:

(1) The most contaminated Rongelap people, those who received near-lethal doses of 190 rems or more in 1954, are effectively removed from present dose calculations;

(2) The most contaminated lands of Rongelap Atoll are excluded from the calculation;

(3) Averages, routinely used, distort DOE findings; and,

(4) DOE has ignored, until recently, radiation dose in children.

MORE APPROPRIATE RONGELAP DETERMINATION OF SAFETY AND HABITABILITY

The people of Rongelap would be in a far better position to make determinations about resettlement or cleanup if more and better quality information were available.

To make informed judgements about habitability, Rongelap requires three things:

First, Rongelap requires a comprehensive environmental assessment for the entire atoll region, including Ailinginae and Rongrik Atolls.

Second, health and medical data, for every member of the community, must be prepared and made available.

Third, radiation dose, for every member of the community, must be calculated.

Moreover, the DOE policy of using averages in making its calculations must be rejected. Calculations should be made on an individual basis. The universe of people involved is sufficiently small in numbers to justify such an approach.

Finally, DOE today lives with an unavoidable conflict-of-interest. The Marshall Islands medical and environmental programs today are under the internal jurisdiction within the Department of Energy of the Defense Programs, and specifically, the Defense Weapons Research Office. The agencies and offices at DOE who build bombs should not be in charge of safety, habitability, environment and medical decisions today.

Consistent with the principle established in the Compact of Free Association, the tasks identified above should not be undertaken by the Department of Energy. Rather, independent scientists and experts, selected by the Rongelap people, should undertake this work.

Rongelap fully understands the gravity and importance of decisions it will be required to make in the future. Rongelap is prepared to make those decisions

regarding resettlement and cleanup. However, quality information is required. Until now, that information has been denied the Rongelap people.

Contrary to DOE's judgement, dose cannot be considered the exclusive basis for making such decisions, particularly given the manner in which DOE calculates it.

MEDICAL ETHICS VIOLATED DOE DOCTORS AND THEIR PATIENTS

The Rongelap Reassessment Project revealed to the Rongelap people, for the first time since Bravo, that there was plutonium in our bodies. At the time of the DOE 1982 Radiation Report, results of DOE plutonium urine tests revealed some members of the Rongelap community exceeded the U.S. dose guideline. The DOE doctors knew it, studied it, and then made a unilateral decision to withhold that information from the Rongelap people. The Rongelap patients were never told.

When we met with Dr. Kohn in Berkeley last December to discuss his Report, he claimed that the information about plutonium was inappropriately "leaked" to the Rongelap people. The only reason, he explained, that his Report addressed the issue at all was because of the inadvertent disclosure.

Twice a year, the DOE medical ship comes to visit the Rongelap people to examine the "exposed" population and the control group. Others are examined if time permits. This includes having blood drawn and urine samples provided.

According to Dr. Adams, the Director of the Marshall Islands Medical Program at Brookhaven National Laboratory in a letter to Dr. Kohn published in the Rongelap Reassessment Project Report[14], the Brookhaven program is restricted to clinical care only. His letter states, in part:

> *The medical program is mandated by Congress under Public Law 95-134 to provide for diagnosis and treatment of radiation-related disease among the populations of Rongelap...*
>
> *No funds are made available for research because Congress did not intend the medical program to carry out research; clinical care of*

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[14] Letter, April 28, 1988 from William H. Adams, M.D., Director, Marshall Islands Medical Program to Henry Kohn. M.D. published as Note 4, page 56, Rongelap Reassessment Project Final Report.

> *the injured parties is the program's sole purpose. Therefore, all activities of the medical program have a clinical goal...*

When the Rongelap people are treated by the Brookhaven medical ship, they believe they are being treated by DOE's medical doctors. They have not been told that blood and urine samples have been used, for at least 15 years, for non-medical research purposes.

This is not the first time this issue has been raised. The Congress of Micronesia strongly criticized DOE and Brookhaven medical practices and made numerous recommendations in its February 1973 report[15].

Four years later, on January 1, 1977, a Brookhaven medical doctor, Konrad Kotrady, wrote a brief report after serving as a physician in the Marshall Islands. At that time, he criticized the Brookhaven medical program as being imbalanced, with too much emphasis on research and not enough on clinical care.

According to the American Medical Association's (AMA) "Principles of Medical Ethics," the DOE doctors had disclosure obligations to the Rongelap medical "patients" which were not maintained. According to the AMA "the physician must properly inform the patient of the diagnosis and of the nature and purpose of the treatment undertaken or prescribed. The physician may not refuse to inform the patient."

The DOE medical ship comes to Rongelap twice a year. Members of the "exposed" Rongelap population -- those who experienced Bravo -- and a control group are regularly examined. Blood and urine are obtained. DOE never provided the results of the plutonium tests to the Rongelap people.

The DOE 1982 Radiation Report makes no mention of the tests.

Given the restrictions on research cited by Dr. Adams, Rongelap does not understand how the DOE doctors could conduct anything but medical tests.

AMA policies on informed consent are clear -- that "informed consent is a basic social policy," and does not afford a justification for withholding information from the

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[15] A Report on Rongelap and Utirik to the Congress of Micronesia, Medical Aspects of the Incident of March 1, 1954 by the Special Joint Committee Concerning Rongelap and Utirik Atolls, Fifth Congress of Micronesia, First Regular Session, February, 1973.

patients, unless DOE invokes the exemption that "risk-disclosure poses such a serious psychological threat of detriment to the patient as to be contraindicated."

Early DOE tests for plutonium in urine of Rongelap patients revealed levels exceeding the U.S. guideline in some samples. No patients were ever advised. DOE claims the samples may have been contaminated. DOE did not know. Uncertainty is not a justification for silence. DOE acted improperly to withhold that information from patients under their care.

At the time decisions were made not to inform patients, DOE did not know if the plutonium urine samples were contaminated or not. This matter remains unresolved today.

DOE's conduct is contradictory and inexplicable. One on hand, the uncertainty of the data led DOE to a position of non-disclosure. On the other hand, the plutonium urine samples were of sufficient importance to convene internal DOE symposia on the subject, not once, but at least three times between 1981 and 1986. Moreover, urine samples with plutonium have been regularly obtained from Rongelap citizens since 1973 with no disclosure whatsoever.

The DOE 1982 Radiation Report was silent with respect to plutonium in the Rongelap people is especially odd since the DOE work plan set forth as one of its tasks the measurement of plutonium.

Once again, the DOE doctors had, at the very least, disclosure obligations to the Rongelap people which have not been maintained. Rongelap believes that the standards of medical ethics have not been maintained.

DOE – INTEGRITY OF DOE 1988 PROGRAM COMPROMISED

In May, 1988, after Dr. Kohn submitted his Preliminary (Rongelap Reassessment Project) Report to the House Interior Appropriations Committee, Chairman Yates wrote the Department of Energy suggesting that group meeting be held "to discuss these [radiation] issues, and reach a consensus on how this effort should proceed over the coming years." DOE's Harry Brown wrote the Chief Secretary of the Marshall Islands proposing a September 21 meeting in Honolulu[16]. An observer from Rongelap attended.

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[16] Letter, from Harry U. Brown, Nevada Operations Office, Department of Energy to Oscar de Brum, Chief Secretary, Republic of the Marshall Islands, July 22, 1988.

Appended to the DOE letter were two documents, with proposed five-year work plans prepared by Lawrence Livermore National Laboratory (LLNL) and by Brookhaven National Laboratory (BNL).

The LLNL proposed work plan outlined research projects related to dose and cleanup in the Marshall Islands, including Rongelap. Public assurances of safety at Rongelap are not substantiated in DOE's internal work plans. With specific regard to Rongelap Atoll, LLNL admits doubt stating, "the requirements at Rongelap are uncertain at this point. There could be additional work required depending on the outcome of the upcoming review of our previous work."

After more than three decades during which no cleanup was been undertaken at Rongelap, DOE's LLNL now internally speculates about the need for cleanup at Rongelap Atoll. This directly conflicts DOE's simultaneously made public statements regarding the safety and habitability of Rongelap.

The concluding section of the LLNL proposal is two paragraphs long. It sets forth the justification for the work proposed and its ultimate purpose. According to the DOE work plan:

> *The data generated from the above programs provides the U.S. Government with the current radiological conditions at three inhabited atolls that received the major radionuclide contamination in the Marshall Islands. This prevents any 'surprises' and puts the U.S. in a positive position to answer questions and refute wild speculation on erroneous dose assessments from other nations or a variety of adversaries. This knowledge is pertinent for the U.S. regarding any lawsuits that may arise and is generally useful from a legal and political point of view.*

In Rongelap's view, based on this statement, the integrity of DOE's radiological program is compromised.

RONGELAP RADIOLOGICAL AND HEALTH DATA WITHHELD BY DOE

The critical element of informed decisions about safety, habitability, radiation, contamination, food, or health is access to quality information on a timely basis. Uncertainty has become a 35-year plague to Rongelap. Uncertainty breeds fear, some justified, and perhaps some not, but nevertheless that fear is very genuine and very real.

This is not just a problem of the past year. It's not a just a problem since the Compact was ratified in 1986. It has been a recurring, persistent problem for the more than three decades since Bravo.

Critical information has been withheld by DOE.

Requested information has been denied by DOE.

This past year has been different, though, at least in one respect. With the creation of the Rongelap Reassessment Project, Rongelap began assembling a new team of advisors. We have attempted to bring a new and constructive approach to our problems. We have initiated meetings with the Department of Energy and others in an effort to better understand these radiation issues.

Rongelap welcomed DOE's "just-ask-us" policy declaration on access to information presented to Congress in testimony before the House Interior Appropriations Subcommittee in April, 1988.

At the time, members of the Rongelap Reassessment Project study team were unable to obtain requested plutonium in urine data from the DOE's research conducted at Brookhaven National Laboratory in New York.

The Department of Energy, in turn, has strongly encouraged Rongelap to become more involved in the various radiation, health and related matters. This was, in part, the message presented to Rongelap by DOE at the beginning of a two-day meeting last March at Lawrence Livermore National Laboratory.

Rongelap accepted this challenge. However, our efforts to become more involved to date have been blunted by DOE. They invite Rongelap's increased participation in these matters and then turn around and block access to information. For instance:

* October 4, 1988 letter to Dr. William Adams, M.D., Marshall Islands Medical Program, Brookhaven National Laboratory asks a series of questions about the program, the findings in the Rongelap Reassessment Project Report, the untabulated 270 urine samples with plutonium and the handling of medical samples. <u>NOT ANSWERED.</u>

* October 8, 1988 four letters were submitted to Secretary Lyng, USDA Department of Agriculture; Secretary Herrington, DOE; Secretary Hodel, DOI; and Secretary Shultz, Department of State, asking for their respective Department's response to the Rongelap Reassessment Project Report. <u>NO ANSWER FROM ANY OF THE FOUR DEPARTMENTS</u>.

* November 3, 1988 letter to Dr. Kohn, asking to be provided a copy of a letter referenced and commented upon in the Rongelap Reassessment Project Final Report. We had Kohn's comments, but were unable to review the original document. Said Kohn, "as a matter of principle, the correspondence...between Dr. Muckle and myself (or any other scientist of my acquaintance) are - to put it bluntly - my personal business." REQUESTED DOCUMENTS NOT PROVIDED.

* March 27, 1989 letter to John Rudolph, Director, Weapons Research Division, DOE requesting documents from an internal DOE symposium on plutonium. NOT ANSWERED. On April 19, Rudolph told a Rongelap representative that he thought the documents requested had been destroyed. At that time, he was asked to check further. NO FURTHER RESPONSE.

* Repeated requests, to obtain data, documents, reports and other information regarding DOE's review of plutonium in the Rongelap people took almost a year to obtain, and even today, remains incomplete. INADEQUATE AND UNRESPONSIVE.

* March 27, 1989 letter to Dr. Robison at DOE's LLNL requesting a list of pending reports and the work plan for each. A response, from DOE's Harry Brown to the Chief Secretary of RepMar lists the projects underway, but does not provide work plans. REQUESTED MATERIALS NOT PROVIDED.

Mr. Chairman, DOE adamantly asserts that Rongelap is safe. Yet almost every time we ask for information, it is denied us. DOE's conduct and reluctance to respond, if at all, only encourages the proposition that, indeed, DOE is trying to hide something.

THE LAWRENCE LIVERMORE MEETING
DOE ABRUPTLY STOPS TALKING

Late last year, many people, including this Committee, suggested to Rongelap that an effort be undertaken to meet with the Department of Energy and attempt to resolve some of the outstanding issues.

Rongelap acted promptly on the suggestion. We asked DOE for a meeting which was held in California at Lawrence Livermore National Laboratory, March 8 and 9.

The only condition sought by Rongelap in advance of the meeting was for openness and candor. DOE responded, in writing, prior to the meeting with a such a

pledge. Unfortunately, upon completion of Rongelap's presentation during the LLNL meeting, that pledge instantly evaporated.

Shortly after the Livermore meeting, Rongelap submitted the Franke paper, "Is Rongelap Atoll Safe" to DOE with a request that they respond in writing. Three months later, in July, DOE advised Rongelap that a response would be forthcoming within 30 days. On September 8, six months to the day after Franke's paper was presented, DOE's Harry Brown submitted a response to the Chief Secretary.

DOE's response was inadequate.. Rongelap asked about the safety of its atoll. DOE's response, purporting to respond to the Rongelap presentation, is limited to a discussion of Rongelap "island." Critical issues raised by Rongelap remain unresolved.

CONTRADICTIONS REVEALED AT LLNL MEETING

At the LLNL meeting, March 8 and 9, Rongelap learned the following:

(1) DOE Withdraws Agreement to Communicate. DOE, having agreed to a working meeting to discuss plutonium, withdrew that agreement after their presentation and discussion, but before discussion on Rongelap's presentation claiming, in the middle of the meeting, that government-to-government relations prohibited it. The Chief Secretary of the RepMar Government was in attendance at the meeting.

(2) DOE Uses Compact to Prevent Disclosure. DOE is using the Compact to withhold communications from Rongelap about matters of importance to our health and our environment.

(3) DOE Invokes New Standard For Communications. The principle "Government to Government" communications is abused and distorted. Even if DOE is accurate, then presumably it would be the Department of State, not DOE, who would be responsible for those communications. DOE program managers, it appears, have assumed the State Department's responsibilities and now are conducting foreign policy in the Pacific.

(4) DOE Admits that Critical Data From 1982 Bilingual Report in Error. DOE, in response to comments made by Rongelap, declares, seven years after publication, almost four years after Rongelap moved into exile that the map in the 1982 DOE Report on pages 8 & 9, and the data contained on that map was wrong and that DOE knew it was wrong for many years.

(5) DOE Declares Defense Nuclear Agency Report on Bravo Wrong. We learn from DOE, seven years after publication by the Defense Department, that their

Report on the Bravo test is also wrong. That Report reveals that DOE knew the wind was blowing towards Rongelap prior to the test. From the first press conference by AEC Chairman Lewis Strauss only days after the shot, through the time of publication by DNA, the DOE had maintained that Bravo was an accident. The Defense Department Report challenges a critical fact, knowledge prior to the test. DOE declares DNA wrong.

(6) DOE Claims Radiation Insignificant, Recommends Rongelap Radiation Standards Be Raised. At the Nuclear Regulatory Commission, Environmental Protection Agency, and other agencies, radiation standards have become more restrictive. Foreign nations are similarly, becoming more restrictive in the establishment of radiation standards. Today, DOE claims radiation at Rongelap to be insignificant. DOE, at the Livermore meeting, recommended that Rongelap set aside the radiation standard in place since 1960 -- the so-called U.S. guideline -- and suggested replacing it with the US "radon" standard. This standard is approximately 3-4 times less stringent than the present guideline. On one hand, DOE tells us our radiation levels are insignificant. At the same time, DOE encourages Rongelap to raise the radiation standards in total conflict with contemporary trends.

(7) DOE Claims Cleanup Not Needed At Rongelap -- Proceeds to Outline Cleanup Procedures. No cleanup of Rongelap has been undertaken at Rongelap at any time or in any way in the 35 years since Bravo. At the LLNL meeting, Rongelap received an extensive briefing on the cleanup efforts at Bikini and how that program could be applied to Rongelap. On one hand, DOE tells us cleanup is not required, and none had been undertaken, but then outlines such a program for Rongelap to evaluate and consider.

The message from the DOE to Rongelap at LLNL was clear. DOE was living with multiple contradictions.

Radiation dose, as DOE calculates it, was significantly below the US guideline, but Rongelap should now adopt a far less restrictive guideline. Cleanup isn't required, but here's a cleanup program, just in case Rongelap wanted to engage in "unneeded" cleanup on our own. Baseline reports from 1982 were not accurate, and DOE knew it, but until asked at LLNL, kept that knowledge to themselves. And finally, DOE will only discuss subjects of interest to them. Those discussions will occur only on terms designed by DOE. Rongelap is not allowed to ask or frame questions. If they do, DOE simply ends the meeting.

DOE's conduct at this meeting was totally unacceptable. The loud, clear message received by Rongelap at LLNL was the DOE program lacked integrity -- on any subject. Passing through the gate at LLNL onto the highway, Rongelap knew that

the DOE program managers would never tolerate the Compact directed independent study.

COMPREHENSIVE SURVEY NEEDED
RONGELAP PREPARES WORK PLAN

From the moment Dr. Kohn first presented the Rongelap Reassessment Project Preliminary Report to Congress in April, 1988, Rongelap concluded that a comprehensive study was required. The Compact anticipated the need for such a study and appropriately authorized a comprehensive study, if required.

Rongelap, in a September 22, 1988 letter to you and others, concluded that the Rongelap Reassessment Project was inadequate and that the comprehensive study was required. From the time the Kohn Report was published, in July, 1988, Rongelap supported the Phase 2 comprehensive study. During this period, at various meetings with representatives of the Departments of Energy and Interior, Rongelap's position was set forth.

Rongelap further recognized that our Government, the Congress, the U.S. Government would ask detailed questions about this proposed study. Anticipating such questions, Rongelap recognized it had an obligation to provide a detailed response.

Last December, we contracted with P&D Technologies of Phoenix, Arizona for the preparation of a comprehensive work plan for the Phase 2 comprehensive study. Rongelap provided P&D with a STATEMENT OF UNRESOLVED ISSUES, which became the basis of the work plan.

P&D met with DOE representatives, Dr. Kohn, and others in the preparation of the proposed work plan.

The P&D Report, MAKING RONGELAP HABITABLE: Proposed Workplan For A Phase 2 Comprehensive Study, was submitted to the Rongelap Council in April, 1988. By formal Resolution, the Rongelap Council immediately endorsed the report and submitted it to the RepMar Government. In turn, RepMar made it available to Dr. Kohn and DOE.

The P&D Report calls for the establishment of an outside panel to guide its work. Former Governor Bruce Babbitt has agreed to serve as Chairman of that policy review panel.

Since that time, DOE has engaged in a concerted effort to undermine any notion of the need for an independent study. A flurry of letters and reports from DOE to RepMar and Congress have consistently attacked the need for such a report.

Rongelap would merely ask that if DOE is so positive that Rongelap is safe, then why is DOE so fearful of an independent review.

CONCLUSION

The Congress, in the Compact of Free Association of 1985, recognized that the Rongelap story was incomplete. It recognized that, indeed, there were unresolved health and radiation issues.

The Rongelap community today lives in exile. By any human standard, moving into self-imposed exile because of fears about health and safety, is an extraordinary act.

In the intervening four years, Rongelap learned that our fears were justified.

Rongelap learned that DOE does not know if Rongelap Atoll is safe. After years of indifference, today the DOE program managers are scrambling to respond. DOE, with its recent flurry of reports, has produced an abundance of inconsistency, conflict, contradiction, and uncertainty. With the recent succession of DOE reports, issues at Rongelap Atoll have not been resolved. The DOE reports lack credibility and Rongelap does not accept them.

There has been no comprehensive radiological survey in 35 years since Bravo. There has been no cleanup. Yet, today there is an abundance of evidence to suggest there may be significant radiation problems which require, at the very least, a decontamination and cleanup program.

The 1982 DOE Radiation Report, based on the 1978 survey, was originally intended to provide that "comprehensive data." Dr. Kohn makes clear that DOE failed, by the terms of its own plan, to accomplish that goal.

DOE's limits its determination of safety to one of 61 islands in our atoll and remain silent about the remaining 60 islands. If these 60 islands are not safe, why was this information withheld from Rongelap? Why was it withheld during the Compact negotiations? Why was it withheld from Congress?

We now know that DOE calculates dose in such a manner that effectively excludes the people and lands most contaminated. We know that DOE's definition of habitability and safety is skewed and therefore distorted.

DOE does not know if Rongelap Atoll is safe.

DOE can no longer judge itself. The Defense Programs at DOE should not be responsible for health, safety and environmental decisions regarding Rongelap and perhaps DOE should not be involved at all.

Future determinations about safety and habitability must be done independently of DOE. That principle is established in the Compact. That is what Rongelap wants.

Rongelap has prepared a work plan for the comprehensive and independent radiological and health study of our Atoll. We accepted the responsibility and cost for preparing this work plan. We believe it is a responsible plan, consistent with the Compact.

We now ask that the U.S. Government fund the study so that we can move forward in an orderly manner. To make reasoned, informed judgements, we must develop quality health and environmental data to serve as the foundation for future decisions.

Rongelap concludes this presentation with the request that the U.S. Government respond to Nitijela Resolution No. 25, unanimously adopted in 1983. We renew our request to be relocated. We fled Rongelap is desperation. Life at Mejato is very bad. Pending the outcome of the Phase 2 study, Rongelap respectfully asks for humanitarian assistance. We ask to be relocated so that our people have better access to food and to hospitals. We make the request in order to obtain better living conditions. Radiation invaded our lives 35 years ago. It continues to impose its cruelty upon the Rongelap people.

When we asked for help in 1983, doubt was expressed. The validity and legitimacy of our request today cannot be similarly questioned.

We ask only what the U.S. provided the peoples of Bikini and Enewetak, nothing more. We ask that the Compact of Free Association to have meaning for the Rongelap people.

We offer good faith and a public pledge of cooperation.

We stand before you seeking Justice. We ask for help and assistance. As a People, we demand dignity.

On behalf of all the Rongelap people, and especially the children, I thank you.