

Town of Taos, NEW MEXICO

Draft RESOLUTION NO. 18-

**A RESOLUTION REGARDING HEALTH, SAFETY, AND REGIONAL  
CONTAMINATION ISSUES AT LOS ALAMOS NATIONAL LABORATORY**

**REQUESTING THAT THE NEW MEXICO ENVIRONMENT DEPARTMENT (NMED) STRENGTHEN AND ENFORCE THE 2016 REVISED LANL CONSENT ORDER; RESOLVE NUCLEAR CRITICALITY, SAFETY, AND EARTHQUAKE ISSUES; HALT CURRENT AND EXPANDED NUCLEAR WEAPONS ACTIVITIES; AND DIRECTING THE TOWN CLERK TO TRANSMIT COPIES OF THIS RESOLUTION TO ASSOCIATED PARTIES.**

**WHEREAS**, in June 2016, DOE and NMED revised the 2005 Consent Order governing cleanup that incorporates huge loopholes whereby LANL can avoid comprehensive cleanup by repeating their claim that it is “too difficult or costly” and by basing cleanup on projections of future funding availability instead of what is actually needed to accomplish comprehensive cleanup; and

**WHEREAS**, in September 2016, based on the revised Consent Order, DOE released an estimated cleanup baseline that extended the time frame for LANL cleanup completion to 2040, asserting that only 5,000 cubic meters of waste need to be cleaned up, while thirty times that amount--150,000 cubic meters-- would be subject to “cap and cover,” with said waste left buried in unlined dumps where it is currently located on LANL property; and

**WHEREAS**, the DOE has not allocated sufficient funding to provide proper training by qualified safety experts, for all contractor staff in the handling of radioactive and hazardous materials, in order to ensure the safety of the employees, the nuclear stockpile, and surrounding communities, including the Town of Taos; and

**WHEREAS** LANL’s legacy radioactive and toxic wastes are located only 55 miles from Taos; and

**WHEREAS**, LANL’s radioactive and toxic wastes are buried in unlined pits, shafts, and trenches, inconsistent with NMED regulations, which require all local governments to incorporate composite liners and leachate collection systems in landfills/dumps; and

**WHEREAS**, radioactive and hazardous contaminants produced by nuclear weapons research and production at LANL over 70 years have been and continue to be released into the Rio Grande and the Española Basin Aquifer; and

**WHEREAS**, contamination includes toxic perchlorates and hexavalent chromium in the top 80 -100 feet of a portion of the Espanola Basin Aquifer, designated by the Environmental Protection Agency (EPA) as the sole source of drinking water for Santa Fe; and

**WHEREAS**, sustainable futures, community health, and regional property values depend on preventing ground-water contamination of the Española Basin Aquifer, surface contamination of the Rio Grande and tributaries, and air contamination from waste storage areas that are vulnerable to repeated wildfires at or near the Lab; and

**WHEREAS**, wildfires near or on LANL property over the past two decades have become more frequent and dangerous and the smoke and particulates generated from these fires have spread contamination regionally including to the Taos area; and

**WHEREAS**, carcinogenic and mutagenic radioactive and hazardous wastes including Plutonium, Tritium, Americium, Strontium, and Cesium have been detected regionally in plums, lettuce, and house dust; and

**WHEREAS**, LANL has experienced three very large wildfires: the Dome Fire; the Cerro Grande Fire that burned 43,000 acres, including 7,500 acres on LANL property, which spread over several hundred waste disposal sites and contaminated areas, and burned 400 homes in the City of Los Alamos; and the Las Conchas Fire that burned 156,000 acres up to the Lab boundaries; and

**WHEREAS**, nuclear criticality means accidents resulting from an inadvertent self-sustaining nuclear chain reaction that produces a potentially lethal dose of radiation;

**WHEREAS**, between 2005 and 2016, the Lab's persistent and serious shortcomings in "criticality" safety have been criticized in more than 40 reports by government oversight agencies, teams of nuclear safety experts, and the Lab's own staff; and

**WHEREAS**, a 2016 DOE report to the independent DNFSB determined: "Required improvements to the Nuclear Criticality Safety Program are moving at an unacceptably slow rate, for which LANL received the only 'red grade' in nuclear criticality safety in the DOE nuclear weapons complex"; and

**WHEREAS**, the DOE annual report to the DNFSB, released in February 2017, found that LANL was the only nuclear production site whose performance did not meet expectations in the functional area of criticality safety expectations; and

**WHEREAS**, the now for-profit nuclear weapons complex at LANL has experienced numerous "nuclear criticality" safety incidents and infractions in recent years; documented in a 2017 multi-part series from the Center for Public Integrity; and

**WHEREAS**, these criticality safety events include:

1. In March 2011, in violation of nuclear material handling protocols, a manager placed an amount of nuclear material in a glove-box that exceeded the criticality safety limit of the box;
2. In August 2011, technicians seeking a photo-op, in violation of nuclear material handling protocols, placed eight rods of plutonium in close proximity to each other; several more rods would have triggered a deadly nuclear chain reaction very similar to a criticality event at the

Tokaimura plant near Tokyo, Japan, that required mass evacuation and a shelter-in-place order for 310,000 people;

3. A 2013 LANL study found that criticality safety infractions involving glove-box leaks in the Plutonium Facility (PF-4) occurred roughly three times a month, often the result of avoidable errors, and costing taxpayers \$23,000 each to clean up;

4. In December 2013, LANL sent a drum of radioactive material to the WIPP storage facility near Carlsbad that ruptured inside the facility costing taxpayers \$1.5 billion for so-called clean up;

5. In May 2016, a trolley used to carry nuclear materials in a facility at LANL fell from the ceiling and crashed into a glove-box, fortunately empty and not in use;

6. The April 19, 2017, fire incident at PF-4, where 4 metric tons of plutonium are stored, highlighted a pattern of consistent mismanagement, prompting the DNFSB Board to question the Lab's ability to safely carry out current and future nuclear missions at PF-4;

7. In July 2017, a LANL employee sent "special nuclear material" by air, across the country via FED-EX in direct violation of nuclear safety standards;

8. In August 2017, two further incidents of mishandling of plutonium metals occurred, one of which was acknowledged as a "criticality safety event;"

9. In 2011, a near-criticality event led to an exodus of nearly all nuclear criticality safety experts, resulting in a 2013 shutdown of major plutonium operations at LANL for nearly 3 years.

**WHEREAS**, in a 2013 letter, the independent DNFSB stated that the Board: "remains deeply concerned with the seismic safety posture of the PF-4 at LANL. The Board believes a recent analysis demonstrates that PF-4 is vulnerable to structural collapse. The large plutonium inventory of PF-4, coupled with the facility's proximity to the public, creates the potential for very high off-site dose consequences if the building were to collapse"; and

**WHEREAS**, in January, 2017, the DNFSB wrote to then-Energy Secretary Ernest Moniz stating that "despite upgrades" to address earthquake vulnerabilities, "significant questions remain regarding the suitability of LANL's Plutonium Facility, PF-4 for long term operations."; and

**WHEREAS**, LANL has historically prioritized spending for plutonium pit production over radioactive and hazardous waste cleanup, as evidenced in the FY 2019 Congressional Budget Request, which requests 71% of its \$2.69 billion budget for core nuclear weapons activities, and only 7% for environmental cleanup; and

**WHEREAS**, plutonium pits are "triggers" for igniting U.S. nuclear weapons of mass destruction; and

**WHEREAS**, New Mexico ranks 4<sup>th</sup> lowest in per capita income and highest in child poverty in the U.S., while billions of U.S. federal tax dollars are being used for plutonium pit manufacture.

**WHEREAS**, Between 15,000 and 20,000 "pits" are stockpiled at the Pantex Plant in Amarillo, Texas, all with reliable lifetimes of a century or more, the U.S. arsenal includes ~4,500 nuclear weapons, 1000 on hair-trigger alert, with up to 2,500 nuclear weapons stored adjacent to the Albuquerque Airport; and

**WHEREAS**, the DOE plans to expand production of new plutonium pit triggers at LANL from 20 to up to 80 pits per year by 2030, which will nearly double related radioactive and toxic wastes; and

**WHEREAS**, the purpose of expanded plutonium pit production is not meant to maintain the safety and reliability of the existing stockpile of US nuclear weapons, but is instead designated for speculative future Interoperable Warheads for land and submarine-launched missiles, rejected by the Navy; and

**WHEREAS**, in July, 2017, at the United Nations, 122 nations adopted a Treaty on the Prohibition of Nuclear Weapons, prohibiting nations from developing, testing, production, manufacturing, transferring, possessing, stockpiling, using or threatening to use nuclear weapons;

**WHEREAS**, the Governing Body of the Town of Taos and Taos County have previously adopted Joint Resolutions opposing both expanded pit production and "cap and cover" of legacy wastes as a substitute for full cleanup. (*#08-24/08-27 (2008); #2017-76 and 2017-129 (2017); and*

**WHEREAS**, the Governing Body of the Town of Taos historically supports the total and permanent cleanup of all toxic and radioactive health and environmental hazards related to nuclear weapons research and production at LANL (Resolution 08-56); and

**WHEREAS**, full cleanup of LANL will be a win-win for New Mexicans, permanently protecting our precious groundwater resources and the Rio Grande while creating hundreds of high paying jobs for more than twenty years when wastes are fully removed;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF TAOS AS FOLLOWS:**

1. That the governing body hereby requests that the New Mexico Environment Department strengthen and enforce the 2016 Revised Consent Order to call for additional characterization of legacy nuclear wastes, increased cleanup funding, and significant additional safety training, thereby providing incentive for the Department of Energy (DOE) to seek increased funding for these tasks.
2. That the governing body requests DOE to address and resolve nuclear criticality safety issues as urgently recommended by the Defense Nuclear Facilities Safety Board (DNFSB).
3. That the governing body requests DOE to halt current plutonium pit production due to unresolvable earthquake vulnerabilities as identified by the DNFSB.
4. That the governing body requests that DOE halt all nuclear weapons activities at LANL including expanded plutonium pit production.

**5. That the Governing Body directs the Town Clerk to send copies of this resolution to the New Mexican congressional delegation, the Governor of New Mexico, the President Pro Tempore of the New Mexico Senate, the Speaker of the New Mexico House of Representatives, and the Secretaries of the United States Department of Energy and the New Mexico Environment Department.**