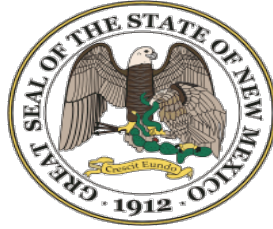


STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



RAÚL TORREZ
ATTORNEY GENERAL

The Honorable Kevin McCarthy
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Hakeem Jeffries
Minority Leader
House of Representatives
Washington, D.C. 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Congressional Leaders:

We, the Attorneys General of New Mexico, Arizona, Colorado, Connecticut, Delaware, the District of Columbia, Maryland, Minnesota, Nevada, New York, Pennsylvania, Oregon, Rhode Island, and Vermont on behalf of our states urge Congress to pass the Senate-approved bipartisan amendment to the Radioactive Exposure Compensation Act (RECA), expanding coverage and benefits to thousands of individuals across the country who have suffered due to radioactive exposure as a result of nuclear weapons testing on United States soil.

Since 1945 to 1962, starting with the first nuclear weapons test at the Trinity Test site near Los Alamos, NM, the United States conducted 206 above-ground, atmospheric nuclear weapons test on American soil in New Mexico, Idaho, Nevada, Utah, Arizona, Montana, and Guam.¹ These tests released harmful radioactive material into the air and dispersed throughout our communities into the water and food supply. In time, those exposed to this radioactive material began to develop cancer throughout their body, including brain cancer, esophageal cancer, thyroid cancer, pharynx cancer, stomach cancer, lung cancer, and leukemia.² A recent study notes that the dispersion of the radioactive material from these nuclear weapons testing “have historically been

¹ Congressional Research Service, *The Radiation Exposure Compensation Act (RECA): Compensation Related to Exposure to Radiation From Atomic Weapons Testing and Uranium Mining*, 19 (June 14, 2022) accessible at <https://sgp.fas.org/crs/misc/R43956.pdf>

² *Ibid.* at 9

the most significant cause of exposure of the world population to human-made sources of radiation.”³

In response and in recognition for the sacrifice of many of those exposed to the nuclear test sites, Congress passed the RECA in 1990 (and amended in 2000), providing coverage and benefits for those affected by exposure to the radiation, including those workers in the uranium mines, onsite participants to the tests, and a select number of those “downwind” of the test sites in Nevada.⁴ While laudable, the original iterations of RECA failed to provide coverage for downwinders outside of Nevada who were indeed exposed to the same radioactive material and suffered the same ailments.⁵

There were an estimated half a million people, mostly rural families and tribal communities, that lived within a 150-mile radius of the Trinity Test site, the location where J. Robert Oppenheimer triggered the world’s first nuclear weapon near Los Alamos, New Mexico.⁶ Without any warning or notification, this one test rained radioactive material across the homes, water, and food of thousands of New Mexicans. Those communities experienced the same symptoms of heart disease, leukemia, and other cancers as the downwinders in Nevada.⁷

Those in the vicinity of the Trinity Test site were not the only forgotten downwinders. Thousands of Americans, across Idaho, Colorado, Nevada, Utah, Arizona, Montana, and Guam are not provided for in the current form of RECA.⁸ Recent studies show that the fallout from the nuclear weapons testing program throughout the United States, with the highest concentration in the communities near the testing sites.⁹ Reports by the CDC acknowledge that “exposure rates in

³ Sébastien Philippe, et. al, *Fallout from U.S. Atmospheric Nuclear Tests in New Mexico and Nevada*, Cornell University (June 20, 2023) accessible at <https://arxiv.org/ftp/arxiv/papers/2307/2307.11040.pdf>

⁴ Civil Division United States Department of Justice, *Radiation Exposure Compensation Act* (accessed August 2023) accessible at <https://www.justice.gov/civil/common/reca>

⁵ Congressional Research Service, *The Radiation Exposure Compensation Act (RECA): Compensation Related to Exposure to Radiation From Atomic Weapons Testing and Uranium Mining*, 19 (June 14, 2022) accessible at <https://sgp.fas.org/crs/misc/R43956.pdf>

⁶ Lesley M. M. Blume, *Collateral damage: American Civilian Survivors of the 1945 Trinity Test*, Bulletin of the Atomic Scientists (July 17, 2023) accessible at <https://thebulletin.org/premium/2023-07/collateral-damage-american-civilian-survivors-of-the-1945-trinity-test/>

⁷ Manhattan Project National Historical Park, *Trinity Test Downwinders*, National Park Services (accessed August 2023) accessible at <https://www.nps.gov/articles/000/trinity-test-downwinders.htm#:~:text=In%20the%20years%20after%20the,who%20had%20no%20prior%20history.>

⁸ Mary Dickson, *On the Heels of Oppenheimer and a New Princeton Study, There’s Hope for Downwinders*, the Salt Lake Tribute (Aug. 3, 2023) accessible at <https://www.sltrib.com/opinion/commentary/2023/08/03/mary-dickson-heels-oppenheimer-new/>

⁹ Sébastien Philippe, et. al, *Fallout from U.S. Atmospheric Nuclear Tests in New Mexico and Nevada*, Cornell University (June 20, 2023) accessible at <https://arxiv.org/ftp/arxiv/papers/2307/2307.11040.pdf>

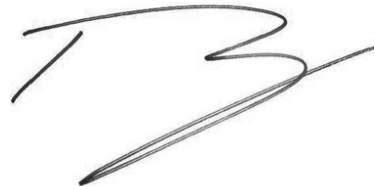
public areas from the world's first nuclear explosion were measured at levels 10,000 times higher than currently allowed.”¹⁰ The vast majority of those exposed have suffered, and many have died, without recognition or any support by the United States government.

It has been seventy-eight years since the first nuclear weapon was detonated in New Mexico. Many of those who were living during those tests and exposed to the radioactive material have since passed, including the children that suffered pre-natal exposure. Even with the lack of infant mortality data, doctors in New Mexico reported a sever increase in the number of infant deaths shortly after the Trinity Test.¹¹ Knowing what we know now about how even relatively low levels of radiation can be extraordinarily harmful to fetal development,¹² we may never truly know the full extent of the sacrifice suffered by the downwinders.

However, we are now afforded an opportunity to provide some measure of support and assistance to those who were affected by the nuclear weapons tests. Thanks to the bipartisan efforts of U.S. Senators Ben Ray Lujan (D-N.M.), Mike Crapo (R-Idaho), and Josh Hawley (R-MO) the Senate amendments to the National Defense Authorization Act making Trinity downwinders and communities in three other western states, eligible for recognition and compensation by the federal government.¹³

On behalf of those downwinders, we urge you and your colleagues in the House to pass the amendments to RECA in the NDAA. It is longtime for us to give back to those who have sacrificed so much.

Signed,

A handwritten signature in black ink, appearing to be 'RT', with a long horizontal stroke extending to the right.

RAÚL TORREZ
New Mexico Attorney General

¹⁰ Thomas Widner, *et al.*, *Final Report of the CDC'S Los Alamos Historical Document Retrieval and Assessment (LAHDRA) Project*, Pg. 34 (Nov. 10), accessible at <https://wwwn.cdc.gov/LAHDRA/Content/pubs/Final%20LAHDRA%20Report%202010.pdf>

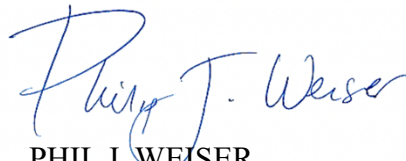
¹¹ Kathleen M. Tucker and Robert Alvarez, *Trinity: “the Most Significant Hazard of the Entire Manhattan Project”*, *Bulletin of the Atomic Scientists* (July 15, 2019) accessible at https://thebulletin.org/2019/07/trinity-the-most-significant-hazard-of-the-entire-manhattan-project/#_edn3

¹² Center for Disease Control, *Radiation and Pregnancy: A Fact Sheet for the Public* (Nov. 15, 2011) accessible at <https://emergency.cdc.gov/radiation/pdf/prenatal.pdf>

¹³ Amendment to the National Defense Authorization Act for Fiscal Year 2024, S.Amdt. 1058, 118th Cong. (July 2023) accessible at <https://www.congress.gov/amendment/118th-congress/senate-amendment/1058>



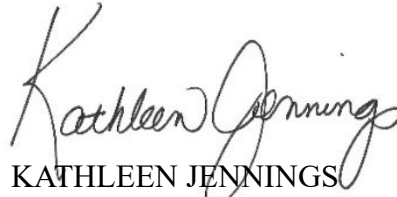
KRIS MAYS
Arizona Attorney General



PHIL J. WEISER
Colorado Attorney General



WILLIAM TONG
Connecticut Attorney General



KATHLEEN JENNINGS
Delaware Attorney General



BRIAN L. SCHWALB
District of Columbia Attorney General



ANTHONY G. BROWN
Maryland Attorney General



KEITH ELLISON
Minnesota Attorney General



AARON D. FORD
Nevada Attorney General



LETITCIA JAMES
New York Attorney General



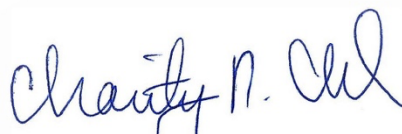
MICHELLE HENRY
Pennsylvania Attorney General



ELLEN F. ROSENBLUM
Oregon Attorney General



PETER NERONHA
Rhode Island Attorney General



CHARITY R. CLARK
Vermont Attorney General