



The Navajo Nation Council - Office of the Speaker

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FOR IMMEDIATE RELEASE:



Navajo Nation Environmental Protection Agency staff was on hand during a special session of the 21st Navajo Nation Council, the Council approved the Navajo Superfund Law on Tuesday, February 26, 2008 in Window Rock, Ariz. Pictured is Eugene Esplain, Navajo DOJ Attorney David Taylor, Superfund Program Supervisor Diane Malone, and Attorney Jill Grant with Nordhaus Law Firm. (Photo by Joshua Lavar Butler)

Navajo Council approves Navajo EPA superfund law

WINDOW ROCK, Ariz. – The 21st Navajo Nation Council convened today for a special session at the Navajo Nation Council Chamber and approved Legislation No. 0691-07 by a vote of 50-15, which is the Navajo Nation Comprehensive Environmental Response, Compensation, and Liability Act. The legislation is sponsored by Council Delegate George Arthur (T'iistoh Sikaad/San Juan/Nenanezad).

This item was tabled during the 2008 Winter Session and a work session was held on Monday, Feb. 25 in order to provide extended time for further analysis by the Council. The Council raised questions about how outside entities would be involved in implementing this program. The legislation involves an amendment to Title 4 of the Navajo Nation Code, §2101 to 2805.

The superfund law is an act and program that will locate, investigate, and clean up the most severe abandoned toxic waste and uncontrolled sites on the Navajo Nation – sites that endanger the safety and health of the Navajo people.

During the work session on Feb. 25, Stephen Etsitty, Executive Director of the Navajo Nation Environmental Protection Agency (NNEPA), explained that the new law would “present another much-needed statutory authority and guidance for NNEPA.” The law would create a foundation and a basis upon which the Navajo Nation can do certain tasks to fulfill the mission of NNEPA.

According to literature provided by the NNEPA, the title of the program and the model is a reflection of what currently exists at the federal level. The program would follow the federal structure similarly, which will be used to develop laws and policies that will work here on the Navajo Nation.

“The law will give an important set of authorities that have been lacking since the inception

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of the Navajo EPA,” Etsitty said during the work session on Feb. 25. “People had realized that the state and federal laws did not apply in Indian Country all that well and in most cases, the law did not apply at all.”

“This issue and problem has led to a fear and perception that there were no laws on the Navajo Nation, people realized that there were no rules and no regulations to abide by that would protect the environment in Indian Country,” Etsitty explained. “This created a fear that Indian nations were allowing development without proper regulations and oversight.”

The loose regulations by Navajo EPA have created challenges and Navajo EPA staff believes that the solution is the implementation of this new law that will require a close cooperation with other agencies to provide a mechanism of cooperation.

This new program will put effective laws and regulations in place to properly regulate the proper disposal of solid waste and other dangerous contaminants, in order to avoid future environmental problems.

“It’s a beginning to a forward movement and a beginning towards building our regulatory purpose in working with industries across the nation,” Etsitty explained. “This law will provide the nation with a focused set of authorities, an enforcement that is long over due. We will now be able to deal with actions of the past that caused contamination here on the nation, we now have the tools to deal with these issues – these laws will be protective.”

For more information, contact Joshua Lavar Butler with the Office of the Speaker at 928-871-6384.

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