



FOR IMMEDIATE RELEASE  
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## Navajo Nation to receive \$1 billion court settlement for uranium mine cleanup



Navajo Nation President Ben Shelly reported to the Dził Yijiin Regional Council on April 3, 2014 at Black Mesa Chapter House. President Shelly shared news from the Navajo Nation, including the \$1 billion bankruptcy settlement for abandoned uranium mine cleanup from Kerr-McGee. He said the settlement was a major victory for the Navajo Nation and that remaining abandoned mines still need funding for cleanup. (Photo by Rick Abasta)

WINDOW ROCK, Ariz. — Today, the U.S. Department of Justice announced the court decision for Tronox Inc. v. Anadarko Petroleum Corp.

According to the settlement, Anadarko Petroleum and former parent Kerr-McGee Corp., have agreed to pay \$5.15 billion for abandoned uranium mine cleanup in the northern and eastern agencies of the Navajo Nation.

Approximately \$4.4 billion will fund environmental claims and cleanup for damages for claimants of Tronox. The Nation is one of several claimants in the case, which include the U.S., 22 states, four environmental response trusts and a trust for tort plaintiffs.

Tronox will receive 88 percent of the \$5.15 billion settlement and the Navajo Nation will receive 23 percent of that amount, totaling \$1 billion. The Nation will utilize the funds for

cleanup of 49 abandoned uranium mines that were owned by the Kerr-McGee.

“This settlement was the result of the Navajo Nation’s claim against Tronox when it filed for bankruptcy in 2008,” President Shelly said. “We lobby Congress heavily to request funds from federal agencies and that takes a long time.

“Going into a bankruptcy case demonstrates that we have not stood idle on this effort. The government understands its trust responsibility for cleanup of the legacy uranium mines,” he added.

The settlement will address cleanup at 49 abandoned mine sites, but hundreds more still remain unfunded.

The Kerr-McGee reorganization of 2005 placed decades of environmental liabilities upon Tronox. Anadarko eventually acquired Kerr-McGee and became the parent company of

Tronox in the process.

The lead agencies in the settlement agreement were the Navajo Nation's Environmental Protection Agency and Department of Justice.

For more than three decades, several individuals working for the Navajo EPA Superfund Program contributed significantly toward the landmark settlement, including the late Arlene Luther, Jerry Begay and Eugene Esplain.

Stephen Etsitty, director of Navajo EPA, said the opportunity to file a claim in the Tronox bankruptcy case came in 2009.

"Tronox was overloaded with environmental liabilities from Kerr-McGee," Etsitty said. "They wound up suing Kerr-McGee and Anadarko."

David Taylor, staff attorney with Navajo DOJ, assisted Etsitty with the legal work to complete the filing.

Working for Navajo Nation since 2005, Taylor brought valuable Superfund cleanup experience to the table and was previously the principal enforcement attorney for the state of Missouri.

"Taylor's efforts to cleanup the dioxin contaminated lands in Times Beach, Missouri in the 1980s and early 90s is commendable. It is still recognized as the largest civilian exposure to dioxin in U.S. history," Etsitty said.

In 2011, staff from the Navajo EPA Superfund provided tours of the Kerr-McGee abandoned uranium mine sites to U.S. Justice Department attorneys in preparation for the trial.

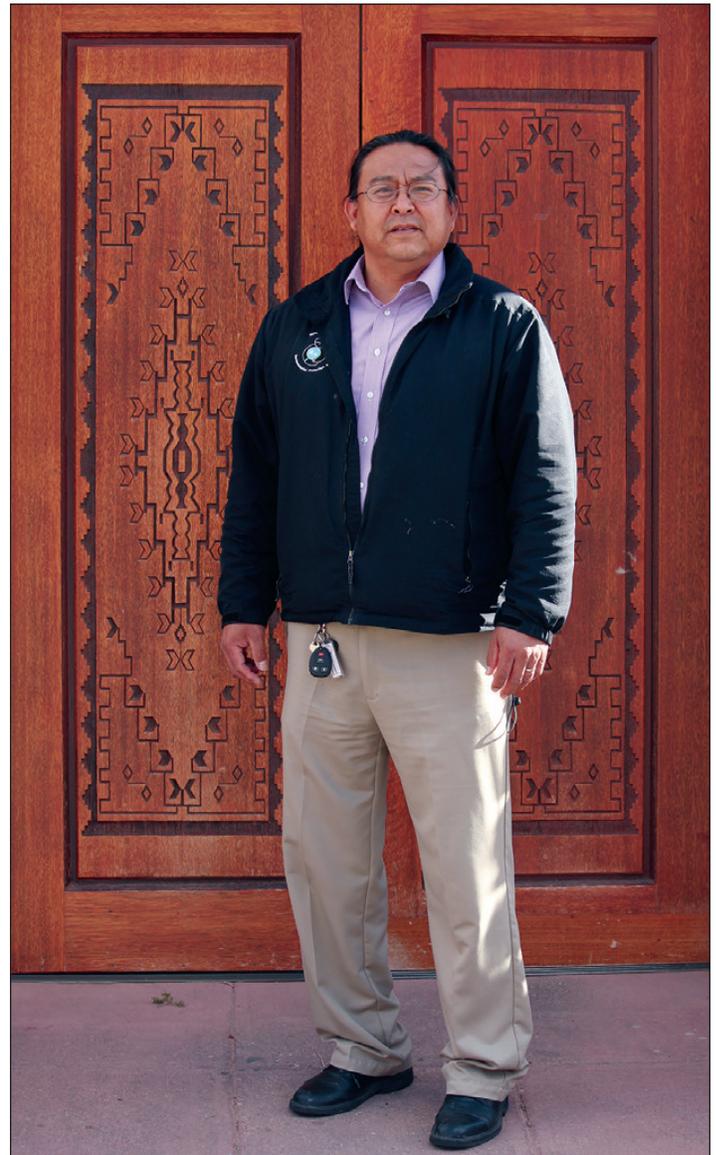
In the summer of 2012, President Shelly and Navajo Nation Attorney General Harrison Tsosie testified in New York City for the court case. Etsitty and Perry Charley were selected as witnesses.

President Shelly said that tribal former leaders were instrumental in providing guidance. My administration never gave up and we ultimately prevailed, he added.

"I am proud to say ahe'hee to the Navajo people for your patience and prayers," he said. "The settlement will be a great help in restoring the abandoned uranium mine sites, but we must not forget about the 460 other sites still in need of cleanup funds."

The Navajo Nation's litigation team included attorneys from the Chicago firm of Kirkland and Ellis, the Office of the U.S. Attorney for the Southern District of New York, U.S. Justice Department, and representatives from the U.S. EPA in San Francisco.

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*Navajo EPA Director Stephen Etsitty said the \$1 billion settlement from Tronox Inc. for cleanup of 49 abandoned uranium mines from Kerr-McGee is a tremendous accomplishment for the the Navajo Nation. He noted that hundreds of other abandoned uranium mines still remain unfunded. (Photo by Rick Abasta)*



*Harrison Tsosie, Navajo Nation Attorney General, testified in the court case along with President Shelly in 2011. (Photo by Rick Abasta)*