

Commentary

Health department has failed to do its job

No one who has reviewed the regulations or studied the regulatory process would dare suggest that the job of overseeing a uranium mill is easy. But the Colorado Department of Public Health and Environment, which agreed to take on the task in 1968, has done such a poor job of regulating the Cotter Corporation south of Cacon City that the residents of the area have been left virtually unprotected.

The state made a big deal of the negotiated settlement with Cotter in 1983 at the conclusion of its environmental pollution lawsuit, but the fact is that the settlement permitted the wolf to guard the chicken house. Wells were to be tested regularly. By Cotter. The health department failed to verify these test results on any consistent basis. Air samples were to be taken regularly. By Cotter. Again, no independent verification of the results. Workers exposure levels were to be monitored. By Cotter. The health department has done precious little over decades to assure that this practice happens each and every time a worker punches the clock.

The health department conducted regular inspections of Cotter, but in all but a few rare cases it gave the company advance notice. Even after the Colorado Bureau of Investigation identified that Cotter was cleaning up just ahead of the inspectors, the regulators - some of whom still oversee the operation - continued to do the same work in the same way.

In 1979, when the mill wanted permission to build a new facility on the same site, the Nuclear Regulatory Commission - an advocate for the nuclear industry if there ever was one - said it would probably not authorize a new mill there because of its proximity to the town. The Environmental Protection Agency also advised against and chastised the health department for allowing Cotter to build before deciding on whether to relicense the plant. The EPA said that the decision to permit construction put tremendous pressure on the health department to relicense, even if there were reservations.

Year after year, the health department would cite the company for violations of its operating license but did nothing but slap its hands - until this year, when now acting health department director Doug Benevento suspended importation of all materials onto the Cotter mill site.

To say that the relationship between the health department and Cotter has been cozy would be an understatement. Some might even say it's incestuous, with people working for the state one year and Cotter the next.

The state agreed in 1968 that it would take on the lead role in overseeing activities of businesses that work with radioactive materials. It has an obligation to the people of the state and, for that matter, the nation, to protect the health and welfare of citizens. It failed prior to the Superfund designation of the 1980s and it has continued to fail to perform adequately up to and including the current year.

When the mill portrays 16 serious and, in some cases, repeated health and safety violations as "paperwork" problems, when it fails to monitor the exposure levels of a pregnant woman, when it permits a UPS driver unrestricted access to the facility and then says its been going on forever, it is clear that the company doesn't take the regulator seriously. The health department's oversight has been ineffective and dangerously close to being a joke.

Benevento has taken a tougher stance in recent weeks. He's left Cotter executives scratching their heads wondering what is up and how they're going to get around the rules this time. The decision last week to order independent testing for one of the most hazardous materials known to man - plutonium - would seem to indicate that the agency is finally paying attention.

If this new outlook on regulation is to stick, the agency will need support from the governor and legislature. Pressure from the industry will be brought to bear.

Industries such as Cotter's are regulated because the work they do has potential and real impacts on workers and on people who live nearby. Regulation isn't meant to hamstring business, but it is meant to assure that people are safe in the jobs and in their homes.

It's time that the health department took that mission to heart.

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