

Commentary

Open death certificates to public inspection

If there's a situation that makes the case for why death certificates should be available to the public, it is the Superfund area that includes Lincoln Park just south of Cacon City. The public is unable to determine for itself what, if anything, has caused the deaths of present and former Lincoln Park residents because in Colorado, death certificates are considered confidential.

The Cotter Corporation, a uranium milling operation south of Cacon City, polluted water, air and soil in and around its plant. Lincoln Park, an unincorporated area south of the Arkansas River in Fremont County, was in the path of the pollution plume. As part of a settlement with the state, Cotter agreed to certain cleanup activities. But some residents of the area and some employees of Cotter contend that they were exposed to radiation and contaminants at levels that caused health problems.

State law declares death certificates to be confidential "vital statistics." Leave it to government to determine that something "vital" also is closed to the public. But it does.

Now-deceased newspaper publisher Eugene Cervi, who published the also deceased Denver Daily Reporter, challenged that law in 1974. He lost, with the state Supreme Court ruling that Cervi was unable to show that his interest in death information was a "direct and tangible interest" as required for release under the state law. Even today, the definition of direct and tangible has meant that only close family members of the deceased, insurance companies and a few others have had access to death certificates.

But the fact is that the public at large often has a compelling interest in seeing death certificates, which contain the ruling of the coroner or the presiding doctor's determination of cause of death. Often the interest of the public at large is "direct and tangible."

The federal government determined that pollution was sufficient enough under its rating and evaluation system to declare the area a Superfund site. Residents of the area claim that the cleanup has been ineffective. The state Department of Public Health and Environment admits that it rarely does its own testing but instead relies upon test results that Cotter supplies.

Studies have shown elevated levels of some cancers, but because the population numbers are small researchers have concluded that they cannot prove statistically that a problem exists.

But tell that to people who are sick. Tell that to the families of those who have died. They want to know once and for all whether their health problems resulted from the uranium mill or its pollution. They want to look for patterns among their friends and neighbors.

Death certificate information is a place to start. While the coroner acknowledges identifying radiation exposure at the mill only one time as a proximate cause of death, others also died of cancer or diseases that could have been caused by exposure to pollutants or radiation.

The public should be able to see that information without limitation by the government.

It will require a change in state law to permit that to happen. Grassroots efforts with local legislators, leadership in the House and Senate and with the governor will be necessary for this to occur.

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