

**Submission for “The impact of toxics on Indigenous peoples” Mandate of the
Special Rapporteur on toxics and human rights**

by Rosemary Ahtuanguak

May 4, 2022

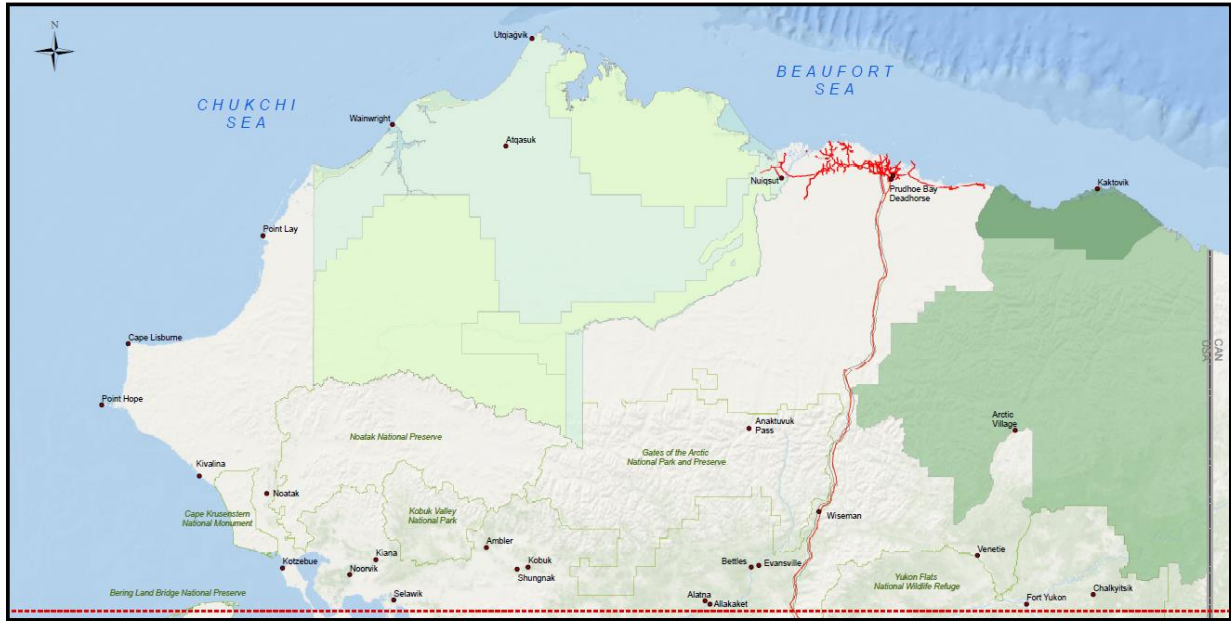
Introduction

Thank you for the opportunity to provide responses to your questions about the impacts of toxics on our village, Nuiqsut, a traditional Iñupiat village of 500 people located near the Beaufort Sea coast on Alaska’s North Slope. Our village’s way of life is deeply connected to the Arctic lands and waters that stretch from the Chukchi Sea in the west to the Canadian border in the east. Here, we have practiced our way of life for millennia.

We depend on the rivers, lands, and ocean for many food resources such as fish, seals, bowhead whales, ducks, geese, caribou, fur-bearing animals, and berries. These traditional foods are critical to our food security and foundational for our cultural, social, and spiritual values. They are nutritionally and economically critical because they are fresher, healthier, and much cheaper than available store-bought food. Most households in Nuiqsut harvest more than half of their food. Extensive sharing traditions provide us, including those in need, with a variety of traditional foods and help unite our families and communities across the region. The continued viability of our culture and traditional way of life is of the greatest importance to members of our village.

Our life, health, safety, and traditional culture is threatened by oil and gas activities that are surrounding our community and affecting our traditional and cultural use areas. To the north, east, and south, oil and gas development is spreading across State of Alaska’s lands and waters. Further east, within the federally managed Arctic National Wildlife Refuge, oil and gas leasing is planned. To the west, in the National Petroleum Reserve-Alaska (Reserve), the federal government has authorized massive oil developments that are creeping further into our traditional use areas. Individually and collectively, these activities are turning our traditional use areas, our home, to an industrial complex.

AMERICA'S ARCTIC

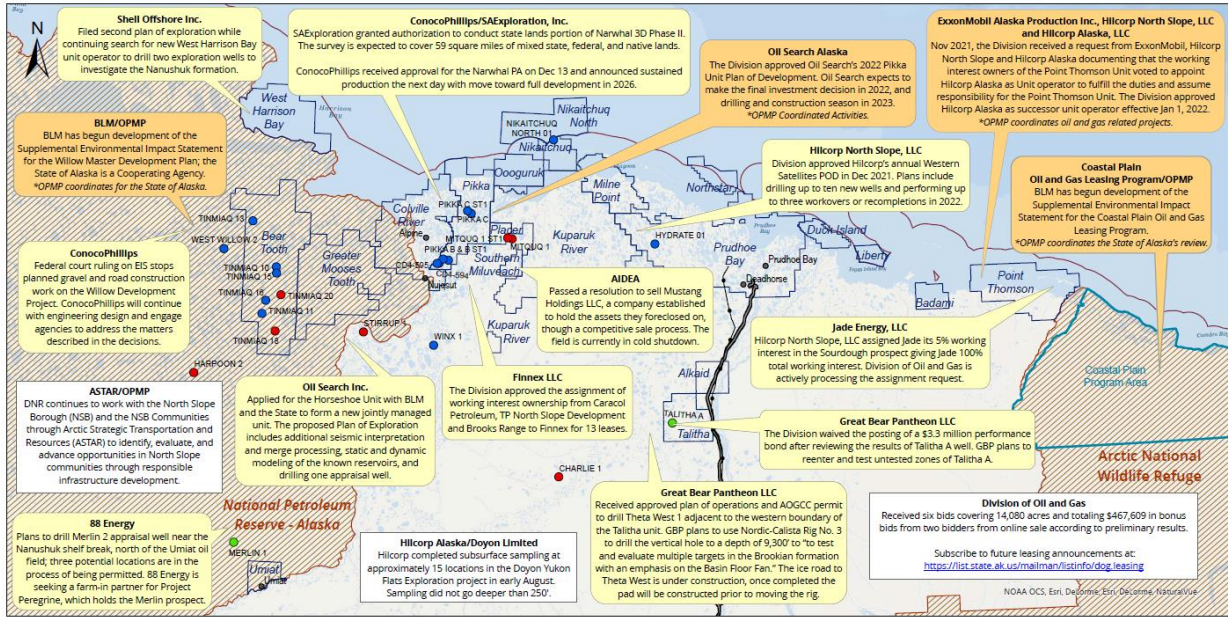


- National Petroleum Reserve-Alaska
- Reserve Special Areas
- Arctic National Wildlife Refuge
- Refuge 1002 Area
- Oil and Gas Development Infrastructure
- Trans-Alaska Pipeline



March 14, 2019

Data Sources:
ESRI, ADNRR, NISSI
Audubon Alaska, HIFLD



- Oil and Gas Exploration Wells (Bottom Hole)**
- Year Completed
 - 2021
 - 2020
 - 2019
- Other Symbols:**
- Trans-Alaska Pipeline System
 - Dalton Highway
 - Unit Boundary
 - Fed Administrative Large Parcel
 - Coastal Plain Program Area
- 0 5 10 20 30 40 Miles

North Slope Oil and Gas Activity Map

State of Alaska
Department of Natural Resources
DIVISION OF OIL AND GAS

January 2022



The accuracy of this map is subject to pending decisions currently on appeal and other administrative actions. Please refer to <https://www.dnr.state.ak.us/pressroom/pressroom.cfm> for the most current maps.

1.

Oil and gas activities are polluting our food, water, land, and air with various toxic chemicals. These chemicals include drilling fluids, anti-corrosion agents, scale inhibitors, cementing agents, and other chemicals used during exploratory drilling. During production phase, a host of additional toxins are released from the discharge of production waters, flaring, venting and purging, energy production, and transportation. Wastewater, produced water, spent fluids, and chemicals are disposed of in injection wells. Structural failures in these wells are common, as are leaks that end up polluting surface and drinking water.

Airborne emissions from oil and gas development include nitrogen oxides (NO_x), sulfur dioxide (SO₂), and carbon monoxide (CO). Flaring is a significant source of NO_x benzenes, VOCs, PCBs, dioxins, formaldehyde, acetaldehyde and ethene. These contaminants are linked to lung disease and lung cancer. Studies show that residents near flares suffer from a statistically significant increase in preterm births. NO_x can cause and exacerbate asthma, a problem which our community is seriously burdened by. As a health aid in Nuiqsut from 1986-2000, I saw the number of asthma cases in our village go from 1 to 75.

Flaring also emits benzene and polycyclic aromatic hydrocarbons that are known carcinogens. Flaring also results in black carbon which is associated with cardiovascular mortality and cardiopulmonary hospital admissions.

Many in our community are concerned that the government is not adequately assessing the risks of flaring and our health concerns go unaddressed. When the government considers permitting new oil and gas projects, the air quality modeling and analysis is flawed and underestimates the likely effects on our air quality.

Oil and gas drilling also results in toxic drilling muds. We are concerned that pollutants from these muds migrate into our fresh water, into our ocean, and into our food.

We have seen an increase in dead and sick fish in the Colville River and the Nigliq Channel. We've seen fish mold, tumors and malformations in eggs, bloody body cavities, tumors, malformation including turned spines, and sores. When we see fish with abnormalities, we won't eat them. We have also seen sick caribou with tumors to muscle, lesions to the liver, discoloration to the liver, cysts in the liver, stomach and body, wasting condition, and deformity. I am not sure what all causes all these issues, but I am concerned that some of these effects are caused by contaminants from historic and present oil and gas activities in our area. I wonder if the increased rates on cancer in our community are related to the issues we are seeing in our animals.

Wells drilled by the federal government from the 1940s to 1980s were abandoned and

many are still toxic site today. For example, Umiat, which is about 90 miles upstream of our village on the Colville River, is a former base for U.S. Navy oil exploration and a federally registered contaminated site. Although cleanup activities began in in late 1990s, they are still not complete. Studies showed that fish from this area were contaminated with PCBs. The lingering contaminants in this area affect us today, because this area has become a higher-use area for our community as oil and gas activities around Nuiqsut have pushed us from many of our traditional areas.

Oil and gas activities always come with risks of spills. According to Alaska's spill database, there have been approximately 9,800 spills associated with oil exploration and development on the North Slope over the last 40 years. These spills total 3.8 million gallons and 163,490 pounds of oil and other hazardous materials. Related activities expose us to many more spills, including from oil field services, transmission pipelines, air transportation, and bulk fuel terminals. A 2010 study of the frequency, severity, and causes of North Slope oil spills found that the main causes are valve/seal failures, operator error, and internal corrosion. The majority of these spills were directly on the tundra. The oil companies, the state, and others have put in place various automated monitoring systems to detect leaks and other system failures. We've seen that many leaks go unnoticed, undetected, for a long time. This leaves us vulnerable.

In February 2012, a Repsol well located approximately 18 miles northeast of our village experienced a blowout which resulted in a release of an estimated 1,000 barrels of water-based drilling mud and natural gas. This blowout exposed our community to harmful levels of benzene. Many have had lasting health impacts from this disaster. With Repsol, Nuiqsut residents learned what it meant to hunker down.

Oil spill response requires use of dispersants and other chemicals that add another layer of toxic inputs to our environment. As a community health aide, I have worked with people who were exposed to dispersants during the Exxon Valdez oil spill response. I have also witnessed the use of dispersants firsthand during the BP Deepwater Horizon oil spill. I fear that chemical companies and decision-makers are ignoring health concerns associated with dispersants, and our people will be negatively affected if dispersants are used to clean-up a spill in the Arctic. Since many of our traditional food sources are migratory, dispersants used anywhere along the migratory paths of our animals could end up in our foods.

Uncontrolled gas releases are another risk we face. On March 4, 2022, ConocoPhillips announced an "uncontrolled event" at its Alpine CD1 pad, only a few miles from our village, which resulted in methane pollution. Despite the evacuation of its own employees, the company insisted that no one in our village was at risk. This did not make much sense to people, and around 20 families fled the village in fear for their health and safety. Many had experienced lasting impacts from the Repsol blowout and did not want to go through a similar experience again. Nuiqsut participated in ConocoPhillips' update

for the community, but the process only created mistrust between the community and the company. This led community members taking action to protect their family, health, life, safety, and important culture.

In addition to the concerns we had about the impacts of air pollution from the release, we were concerned that the company might be required to shut down the gas line that supplies our village. If that were to happen, our village would be required to evacuate. The logistics of evacuating our entire village would be complex and would need to happen quickly in winter months when most homes would have no other source of heat. Yet the company provided us with no information that would enable us to understand how imminent this risk was. The company diminished Nuiqsut's health and safety concerns during the process and misled Nuiqsut's ability to evaluate these concerns. To us, it appeared they were accepting the risks to the community in their effort to maximize their profitability during this event. Meanwhile, the company kept asserting that everything was fine, while it was clear it struggled to understand the cause of the release and to bring it under control. As the mayor of Nuiqsut, I am responsible for the health and safety of our citizens. But when I asked questions about the risks and began to consider how we would evacuate if we were required to do so, I faced threats and intimidation and was told that I was being unreasonable. We were given no assistance to take action to protect our village.

While ConocoPhillips announced it had the release under control on April 8th, it admitted that trace amounts of gas may continue to escape to the atmosphere. The accident happened because while it was drilling a well, the company hit a pocket of gas (that it claims it did not anticipate), even though the company has been drilling in this area for decades and the company has been unable to explain why it was unprepared for this risk. This experience is a reminder that accidents will always happen, and it has reinforced the risks to our community when things go wrong. It also highlights the company's lack of transparency and the strong pressure that some people in leadership roles on the North Slope feel. Some people may feel the need to downplay any risks because we are so economically dependent on oil and gas development.

These direct impacts of oil and gas development are made worse by the cumulative impacts. For example, because the Arctic is a sink for toxics from throughout the world, the impacts of oil and gas pollution are cumulative to impacts from those toxics. Climate change is another cumulative effect. Rapidly eroding permafrost, which contains large mercury reserves, is threatening to add yet another source of toxic exposure. Thawing permafrost is also causing erosion of our riverbanks and coasts and it also releases methane and carbon dioxide into the atmosphere further accelerating climate change. Loss of multi-year sea ice is also expected to add more mercury to our ocean, thus threatening our animals and food sources.

2.

When pollution affects our subsistence resources and our traditional lands, it harms our right to culture, health, and livelihood. The process by which these activities are approved violate our civil and political rights, as well. In addition, members of our community who speak out against oil development or try to learn more about the risks to our health face threats and intimidation.

5.

Our community has spent many years trying to raise our concerns with the state and federal governments.

For example, the tribal government in our village, the Native Village of Nuiqsut, passed resolutions in 2019 opposing oil and gas activities and urging the Federal, State, and local governments to conduct comprehensive baseline studies on the quality of lands, waters, air before authorizing any new oil and gas exploration and development activities near our traditional use lands. The tribal government found that significant concerns in opposition to these and other oil and gas exploration and development projects have not been addressed by the government or the oil companies, and that without baseline studies, our lands, waters, and air continued to be degraded without adequate information about the impacts that all these activities have on our people, including our health and our subsistence, hunting, gathering, fishing, cultural and religious activities.

In 2019, the Native Village of Nuiqsut was one of the plaintiffs that challenged the federal government's approval of ConocoPhillips Alaska Incorporated's 2018-19 winter exploration activities in the Reserve, just west of our community. The oil company's exploration plan was one of many similar plans that have gradually pushed oil and gas activities deeper and deeper into the Reserve and into our traditional use areas. The lower court, the Alaska District Court, ruled against the plaintiffs in January 2020 and the case was ultimately dismissed as moot.

I was also one of the plaintiffs in a successful federal lawsuit that forced the U.S. Environmental Protection Agency to regulate dispersants and other chemicals that are used in response to oil spills.

I have attested to the extensive impacts to our health from oil and gas activities in countless community meetings and in some of the lawsuits challenging exploration and development. I have worked with various national-level think tanks, working groups, and policy development centers, and participated in many other local, state, and national opportunities to express my concerns for the health of our people.

6.

Oil and gas development cannot be done safely; thus, the only way to eliminate our exposure to toxics from this activity is for the state and federal government to stop approving it. Our municipal and state governments are heavily reliant on revenue from oil development which makes stopping it difficult. Once activities are permitted and the contaminants released to our environment, the harm is done. The contaminants that end up in our food live for centuries and they compound over time. The effects of every project, and the cumulative effects of all the projects, stay with us.

Our concerns for and the impacts of toxic exposures from all the various oil and gas activities are not evaluated holistically. Instead, they are evaluated in a piecemeal way, fragmented by permit, company, oil and gas unit, project, land ownership, and so on. This piecemeal approach diffuses our concerns and allows permittees to authorize projects without full evaluation of the health impacts of these projects.

7.

The government and oil companies do not provide adequate education to our community about the toxics we are exposed to. One of the oil companies has an air monitoring station which collects data on CO, NO_x, ozone, SO₂, particulate matter ≤10 μm (PM₁₀), and particulate matter ≤2.5 μm (PM_{2.5}). However, our community believes that independent monitoring would be more reliable. The companies also do not set up communication efforts with Nuiqsut or notify the village of events that prompt them to protect their own personnel.

8.

None that we are aware of. Not enough is being done. The only place where we have made some gains is with children's environmental health. The Children's Environmental Health Network has made recommendations to protect children's health, but the government has not acted on those recommendations.