November 30, 2020

Dear Chairman Barrasso, Ranking Member Carper, and Members of the Committee:

We write in opposition to S. 4897, the American Nuclear Infrastructure Act of 2020, which is scheduled for mark-up on December 2, 2020. The provisions in this bill would misdirect vital government, financial, and industrial resources to an uneconomical, environmentally unjust and harmful set of technologies. If 2020 has taught us anything, it is that we must marshal our national resources to address structural inequities and injustices that undermine our safety, health, economic security, and sustainability.

**Nuclear Power is Not a Climate Solution:** Nuclear energy amplifies and expands the dangers of climate change, and the measures proposed in S. 4897 would not change that basic reality. Nuclear power is too dirty, too dangerous, too expensive, and too slow to address climate change, and it is rooted in environmental injustice and human rights violations. The nuclear fuel chain relies on the extraction, processing, generation, and proliferation of vast amounts of radioactive and toxic wastes. By the time a single pound of nuclear fuel goes into a reactor, the production chain has produced more than 5,000 pounds of long-lived radioactive waste, which is either dumped in piles or ponds, or (in the case of depleted uranium) stored in cylinders or barrels in the open air.

The operation of nuclear power plants generates a myriad of radioactive wastes, and every pound of the fuel becomes an immense environmental hazard for which there is no solution. The eventual decommissioning of nuclear power plants then results in a vast pile of radioactive and toxic rubble, soil, metals, and liquids. The vast majority of uranium mines, mills, production facilities, reactors, and waste dumps are located in communities that are disproportionately rural, Indigenous, Black, People of Color, and low-wealth.

S. 4897 promotes this technology without mitigating any of these impacts, and by making some of them worse, with significant environmental justice, climate justice, economic justice, and nuclear weapons proliferation impacts.

**Environmental Justice:** S. 4897 seeks to expand uranium mining in the U.S. through creation of a domestic uranium reserve. While the bill does restrict procurement of uranium for the reserve from mines that are not located on Indigenous peoples’ lands, it does not prohibit mining on those lands entirely. Companies could still mine uranium on Indigenous lands and sell it on the global market, or sell it to nuclear power plant owners directly. Neither does the bill prohibit procurement of uranium for the reserve quota from mines and mills that impact other environmental justice communities. And just as significantly, it does nothing to require federal agencies to mitigate the well-established environmental harms of uranium mining and milling practices, nor to require prompt and thorough reclamation and cleanup of mines, mills, and uranium processing facilities.

The provision allocating $1 billion for cleanup of abandoned uranium mines (AUMs) on Indigenous lands is a welcome recognition of the issue. However, it is completely inadequate to the scope of the problem: the Navajo nation alone is burdened with over 500 AUMs, and it has cost at least $1 billion to remediate a handful of them. Just as we cannot hope to prevent the
worst scenarios of global warming without action on the scale of the problem, we cannot rectify
the impacts of uranium mining by throwing a small fraction of the necessary resources at it.
There are over 15,000 AUMs nationwide, which have been leaking radioactive and toxic waste
into groundwater, and releasing radioactive dust and gases, in most cases, for decades. This is a
national crisis and must be treated as such.

Climate Justice: We need to invest in a transition to efficient, renewable, clean energy
technologies that can scale up as rapidly as possible, as affordably as possible, to reduce
emissions as aggressively as possible. Nuclear energy does not meet any of these criteria. New
reactors have proven a waste of time and money since the 1980s. The record has worsened over
time. In the first wave of nuclear reactor construction (from 1960-1990), about 50% of planned
reactors were canceled. From 2005 to 2014, U.S. companies proposed to build 30 new nuclear
reactors. All but two of them have been canceled or shelved, despite vast financial supports
offered by federal and state governments. The only two reactors under construction – Vogtle 3
and 4, in Georgia – were proposed in 2008, were supposed to be online in 2017, and are now
more than five years behind schedule. Their projected cost is now $28.5 billion, double the
original cost. The project has not reduced fossil fuel generation by a single kilowatt-hour; rather,
massive production of concrete and steel for construction has generated significant greenhouse
gas emissions.

The climate opportunity costs of nuclear investments are immense, and have dire consequences
for communities on the frontlines of hurricanes, sea-level rise, flooding, drought, and wildfires.
Had Southern Co. invested in renewable energy and energy efficiency starting in 2008, its
customers’ bills would be lower, and it would have started generating emissions reductions years
ago. S. 4897 proposes to repeat this mistake, wasting even more time and money on
uneconomical and impractical nuclear energy schemes. Several provisions of the bill promote
new reactor designs that would not be commercially available for decades, if any of them ever
proved economically and technically feasible. The provisions to curtail environmental and
licensing reviews are short-sighted, reducing up-front costs while short-circuiting democratic
protections against nuclear safety and environmental impacts.

Economic Justice: One provision of S. 4897 would create a ten-year subsidy program for about
half of the nuclear reactors in the country – so-called “merchant reactors,” which sell electricity
in competitive wholesale power markets. The bill directs the Environmental Protection Agency,
in consultation with the Department of Energy (DOE), to establish a program to award “credits”
to nuclear reactors that their owners claim would be shut down without federal financial support.
The bill does not cap the cost of the program, the number of eligible reactors, or the prices of the
“credits”. It authorizes expenditures from the Treasury in whatever amount DOE awards to
qualified reactors. The bill does not require independent verification of nuclear corporations’
claims about the emissions impacts of potential reactor closures. It does not consider states’
renewable energy and energy efficiency targets and programs, with which these subsidies could
interfere. It does not consider alternatives, such as whether renewable energy would be more
affordable. It is short-sighted, awarding subsidies to old, uneconomical nuclear reactors in two-
year increments. It does not provide for any planning on how to phase out and replace nuclear
reactors with renewable energy sources by the time the program expires in 2030. And, because it
only considers the profitability of individual nuclear power plants, it does not protect U.S.
taxpayers from being fleeced to pay uneconomical subsidies when cheaper alternatives and more strategic investments are available.

**Nuclear Weapons Proliferation:** S. 4897 seeks to prioritize the introduction of other harmful nuclear fuel production technologies, including nuclear waste reprocessing and commercializing the production of more highly enriched uranium (so-called, high-assay low-enriched uranium, or HA-LEU, with the concentration of uranium-235 increased to between 5.0% and 19.99%). Both reprocessing and HA-LEU present nuclear weapons proliferation risks by commercializing technologies for higher-grade enrichment and plutonium processing. Commercial HA-LEU production would normalize the use of civilian enrichment technologies to achieve higher grades of uranium enrichment, demonstrating the potential for their use in producing bomb-grade uranium. Reprocessing has produced immense environmental contamination and complicated nuclear waste management in the U.S. and everywhere else it has been implemented. For instance, after 45 years and billions of dollars spent, we are still decades and billions of dollars from completing cleanup of the first commercial reprocessing plant in the US, at West Valley, NY, which only operated for six years.

What is more, the provision of S. 4897 that requires DOE to produce an annual report on inventories of spent (irradiated) fuel does nothing to mitigate the environmental crisis posed by that waste. We have a growing stockpile of nearly 90,000 tons of commercial irradiated fuel, which will be hazardous for more than 1 million years, and no viable means to safely manage it. While S. 4897 would require DOE to provide cost estimates for what that might entail, it does not require DOE to take the legal steps necessary to reinstate the statutorily mandated payments by the nuclear industry to the Nuclear Waste Fund, which were suspended by court order in 2014 because DOE lacked a credible estimate of the cost. Meanwhile, the current inventory of irradiated fuel is growing by 2,000 tons per year, and already exceeds the statutory limit of the first proposed repository—Yucca Mountain—which has been canceled because the site has proved unsuitable.

**Nuclear Disaster Risks:** S. 4897 does nothing to make nuclear power safer for climate change, while compromising the nation’s ability to address either. Nuclear power is not being regulated for climate change and other known dangers. As this committee saw in 2019, the Nuclear Regulatory Commission (NRC) has adopted regulations making it optional—not required—to address verified vulnerabilities to flooding and earthquakes. NRC has similarly failed to address other major disaster risks. A National Academy of Sciences panel in 2006 identified the industry’s practice of packing irradiated (“spent”) fuel pools to maximum density as a major national security threat, yet NRC has refused to acknowledge the danger and allowed high-density racking to continue at virtually all operating reactors.

NRC’s habit of relaxing safety requirements has only worsened during the pandemic. NRC has refused to take any actions to protect nuclear workers from COVID-19, nor even to require its licensees to provide any reporting of infection, testing, and hospitalization rates among their workforces. The few publicly available reports through news media indicate evidence of massive problems, with hundreds of workers infected at multiple sites. On top of that, NRC has canceled hundreds of required, scheduled safety inspections, security drills, and emergency preparedness exercises, for up to two years. The report required by S. 4897 does not even fill the data gaps that
NRC’s inaction has created, much less protect nuclear workers and their communities from infection.

Congress must not continue enabling NRC and the industry it regulates to put short-sighted economic interests ahead of human lives, racial justice, the health of our environment, and safe drinking water. We cannot perpetuate false solutions to the climate crisis that perpetuate our reliance on dirty energy industries, and have any hope of ending the climate and environmental justice crises those industries bring about. We hope we can count on you to reject S. 4897 and embrace policies that will truly support a just and equitable transition to safe, clean renewable energy.

Sincerely,

Timothy Judson
Executive Director
Nuclear Information and Resource Service
6930 Carroll Ave., Suite 340
Takoma Park, MD 20912
timj@nirs.org
(301) 270-6477

Mitch Jones
Policy Director
Food & Water Watch
Washington, DC
mjones@fwwatch.org

Lukas Ross
Program Manager
Friends of the Earth
Washington, DC
lross@foe.org

Tom Goldtooth
Executive Director
Indigenous Environmental Network
Bemidji, MN
ien@igc.org

Tyson Slocum
Energy Program Director
Public Citizen
Washington, DC
tslocum@citizen.org
Ted Glick
Beyond Extreme Energy (BXE)
Bloomfield, NJ
indpol@igc.org

Kevin Kamps
Radioactive Waste Specialist
Beyond Nuclear
Takoma Park, MD
kevin@beyondnuclear.org

Lynn Thorp
National Campaigns Director
Clean Water Action
Washington, DC
lthorp@cleanwater.org

Virginia Palacios
Climate and Clean Air Program Advocate
GreenLatinos
Washington, DC
virginiapalacios@greenlatinos.org

Basav Sen
Climate Policy Director
Institute for Policy Studies Climate Policy Program
Washington, DC
basav@ips-dc.org

Matthew Davis
Legislative Director
League of Conservation Voters
Washington, DC
matthew_davis@lcv.org

Susan Gunn
Director
Maryknoll Office for Global Concerns
Washington, DC
sgunn@maryknollogc.org

Jeff Carter
Executive Director
Physicians for Social Responsibility
Washington, DC
jcarter@psr.org

John Hill
Deputy General Secretary
The United Methodist Church - General Board of Church and Society
Washington, DC
jhill@umcjustice.org
<table>
<thead>
<tr>
<th><strong>State, Territory, and Local Organizations</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Simon, PhD</td>
</tr>
<tr>
<td>Chair, Policy Committee</td>
</tr>
<tr>
<td>Elders Climate Action</td>
</tr>
<tr>
<td>Prescott, AZ</td>
</tr>
<tr>
<td><a href="mailto:Info@eldersclimateaction.org">Info@eldersclimateaction.org</a></td>
</tr>
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<td></td>
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<tr>
<td>Paul Druding</td>
</tr>
<tr>
<td>Peoples’ Action for a Safe Environment</td>
</tr>
<tr>
<td>Fayetteville, AR</td>
</tr>
<tr>
<td><a href="mailto:ARK.PASE@GMAIL.COM">ARK.PASE@GMAIL.COM</a></td>
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<td></td>
</tr>
<tr>
<td>Jodie Evans</td>
</tr>
<tr>
<td>Co-Founder</td>
</tr>
<tr>
<td>CODEPINK</td>
</tr>
<tr>
<td>Venice, CA</td>
</tr>
<tr>
<td><a href="mailto:jodie@codepink.org">jodie@codepink.org</a></td>
</tr>
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<tr>
<td>Patricia Borchmann</td>
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<tr>
<td>Escondido Chamber of Citizens</td>
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<tr>
<td>Escondido, CA</td>
</tr>
<tr>
<td><a href="mailto:pborchmann9@gmail.com">pborchmann9@gmail.com</a></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Dave Shukla</td>
</tr>
<tr>
<td>Operations Director</td>
</tr>
<tr>
<td>Long Beach Alliance for Clean Energy</td>
</tr>
<tr>
<td>Long Beach, CA</td>
</tr>
<tr>
<td><a href="mailto:dave.shukla@gmail.com">dave.shukla@gmail.com</a></td>
</tr>
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<td></td>
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<tr>
<td>Denise Duffield</td>
</tr>
<tr>
<td>Associate Director</td>
</tr>
<tr>
<td>Physicians for Social Responsibility-Los</td>
</tr>
<tr>
<td>Angeles</td>
</tr>
<tr>
<td>Los Angeles, CA</td>
</tr>
<tr>
<td><a href="mailto:dduffield@psr-la.org">dduffield@psr-la.org</a></td>
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<tr>
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<tr>
<td>Bart Ziegler, PhD</td>
</tr>
<tr>
<td>President and Co-Founder</td>
</tr>
<tr>
<td>Samuel Lawrence Foundation</td>
</tr>
<tr>
<td>Del Mar, CA</td>
</tr>
<tr>
<td><a href="mailto:bart@samuellawrencefoundation.org">bart@samuellawrencefoundation.org</a></td>
</tr>
</tbody>
</table>
Mary Gutierrez  
Director  
Earth Action, Inc  
Pensacola, FL  
earthethicsaction@gmail.com

Pierrette J Cazeau  
President Founder NGO Representative  
Haiti Cholera Research Funding Foundation Inc USA  
Lake Worth, FL  
info@hcrff.org

Cee Cee Anderson  
Board Member  
Georgia WAND  
Atlanta, GA  
ceceand2003@yahoo.com

Joanne Steele  
Board President  
Nuclear Watch South  
Sautee-Nacoochee, GA  
savannahriverpilgrim@gmail.com

Cee Cee Anderson  
Board Member  
Women Changing The World  
Atlanta, GA  
ceceand2003@yahoo.com

Sherry Pollack  
Vice President  
350Hawaii  
Kaneohe, HI  
davidsher@juno.com

Leigh Ford  
Interim Executive Director  
Snake River Alliance  
Boise, ID  
lford@snakeriveralliance.org

Dave Kraft  
Director  
Nuclear Energy Information Service (NEIS)  
Chicago, IL  
zeis@neis.org

Sophie R. Zaken  
Admin & Program Director  
Alliance for Affordable Energy  
New Orleans, LA  
sophie@all4energy.org

Ken McDonnell  
Member Representative  
350 Central Mass  
Worcester, MA  
klmcdonn@gmail.com

Guntram Mueller  
Co-Chair  
Boston Downwinders  
Newton, MA  
guntrammueller1@gmail.com

Diane Turco  
Director  
Cape Downwinders  
Harwich, MA  
tturco@comcast.net

Deborah Katz  
Executive Director  
Citizens Awareness Network  
Shelburne Falls, MA  
deb@nukebusters.org

Sabrina Davis  
Lead Organizer of Environment and Transit Coalition for Social Justice  
Fall River, MA  
sab.cndavis@gmail.com
Bob Armstrong  
Chair  
FCCPR Climate Change Task Force  
Conway, MA  
bob@armstr.com

Gail Page  
Chair  
Green Sanctuary, Climate Justice Group of the Unitarian Universalist Church of Reading  
Reading, MA  
gailapage@gmail.com

Dr. Sheila Parks, EdD  
Founder  
On Behalf Of Planet Earth  
Watertown, MA  
sheilaruthparks@comcast.net

Laura Haight  
U.S. Policy Director  
Partnership for Policy Integrity  
Pelham, MA  
lhaight@pfpi.net

Mary Lampert  
Director  
Pilgrim Watch  
Duxbury, MA  
mary.lampert@comcast.net

Ellen E Barfield  
co-founder and coordinator  
Baltimore, MD Phil Berrigan Memorial Chapter Veterans For Peace  
Baltimore, MD  
ellene4pj@yahoo.com

Gwen DuBois  
President  
Chesapeake Physicians for Social Responsibility  
Baltimore, MD  
gdubois@jhsphs.edu

Donald M. Goldberg  
Executive Director  
Climate Law & Policy Project  
Chevy Chase, MD  
donald@clpproject.org

Paul Magno  
Jon’s House  
Baltimore, MD  
Pmagno@igc.org

Robert K. Musil  
President & CEO  
Rachel Carson Council  
Bethesda, MD  
bmusil1@yahoo.com

Cheryl Barnds  
Co Chair  
Rapid Shift Network  
Takoma Park, MD  
RiseWithTheSea@gmail.com

Ken Bossong  
Executive Director  
SUN DAY Campaign  
Takoma Park, MD  
kbossong@hotmail.com

Bruce K Gagnon  
Coordinator  
Global Network Against Weapons & Nuclear Power in Space  
Brunswick, ME  
globalnet@mindspring.com

Jesse Deer In Water  
Community Organizer  
Citizens Resistance at Fermi Two  
Redford, MI  
Changethelifetoftheworld@gmail.com
Michael J. Keegan  
Chairperson  
Coalition for a Nuclear Free Great Lakes  
Monroe, MI  
mkeeganj@comcast.net

Alice Hirt  
Co-Chair  
Don't Waste Michigan  
Holland, MI  
alicehirt@gmail.com

Sister Gladys Schmitz  
Board member  
Mankato Area Environmentalists  
Mankato, MN  
gschmitz@ssndcp.org

Lea Foushee  
Environmental Justice Director  
North American Water Office  
Lake Elmo, MN  
lfoushee@nawo.org

Mark Haim  
Director  
Mid-Missouri Peaceworks  
Columbia, MO  
mail@midmopeaceworks.org

Hope Taylor, MSPH  
Executive Director  
Clean Water for North Carolina  
Asheville and Durham, NC  
hope@cwfnc.org

Steven Norris  
Vice President  
NC Alliance to Protect the People and the Places We Live  
Fairview, NC  
earthsun2@gmail.com

Santana Tamarak  
Board Chairman  
Western Nebraska Resources Council  
Chadron, NE  
santanatamarak@hotmail.com

Dennis M. M. Goldstein  
Citizen's Climate Lobby  
Denville, NJ  
dennisgoldstein2003@gmail.com

Janet Tauro  
NJ Board Chair  
Clean Water Action  
Long Branch, NJ  
Janettauro007@gmail.com

Sally Jane Gellert  
Occupy Bergen County  
Woodcliff Lake, NJ  
SJGUU@aol.com

Blair Nelsen  
Executive Director  
Waterspirit  
Rumson, NJ  
bnelsen@waterspirit.org

Rose Gardner  
Cofounder  
Alliance for Environmental Strategies  
Eunice, NM  
nmlady2000@hotmail.com

Joni Arends  
Co-founder and Executive Director  
Concerned Citizens for Nuclear Safety  
Santa Fe, NM  
ccns@nuclearactive.org

Susan Gordon  
Coordinator  
Multicultural Alliance for a Safe Environment  
Albuquerque, NM  
sgordon@swuraniumimpacts.org
Jay Coghlan
Executive Director
Nuclear Watch New Mexico
Santa Fe, NM
jay@nukewatch.org

Ian Zabarte
Secretary
Native Community Action Council
Las Vegas, NV
mrizabarte@gmail.com

Jessica Azulay
Executive Director
Alliance for a Green Economy
Syracuse, NY
jessica@allianceforagreeneconomy.org

Barbara Warren, RN, MS
Executive Director
Citizens' Environmental Coalition
Cuddebackville, NY
warrenba@msn.com

Priscilla Star
Director
Coalition Against Nukes
Sag Harbor, NY
proscillaastar@hotmail.com

Ken Gale
Producer
Eco-Logic, WBAI-FM
New York, NY
nuffsaid@riseup.net

Manna Jo Greene
Environmental Director
Hudson River Sloop Clearwater
Beacon, NY
mannajo@clearwater.org

Marilyn Elie
Organizer
Indian Point Safe Energy Coalition
Cortlandt Manor, NY
eliewestcan@gmail.com

Stephen Kent
President
KentCom LLC
Rhinebeck, NY
skent@kentcom.com

Susan Hito Shapiro
President
LEAF of Hudson Valley
Nanuet, NY
susan@hitoshapirolaw.com

Stephen Merrill Smith
Environmental Lawyer
Merrill Legacy Group
New York, NY
smerrill@merrilllegacygroup.co

Alice Slater
UN Representative
Nuclear Age Peace Foundation
New York, NY
alicejslater@gmail.com

Bill Smirnow
Nuclear Free New York
Greenlawn, NY
smirnowb@is.netcom.com

Ken Gale
Founder
NYC Safe Energy Campaign
New York, NY
nuffsaid@riseup.net

Tom Siracuse
Shut Down Indian Point Now
New York, NY
tomsiracuse@hotmail.com
David Ellison  
Co-chair  
Green Party of Cuyahoga County  
Cleveland, OH  
david@dhellison.com

Vina Colley  
President  
Portsmouth-Piketon Residents for Environmental Safety and Security  
Portsmouth, OH  
P.O. Box 136

David Ellison  
Architect  
The D. H. Ellison Co.  
Cleveland, OH  
david@dhellison.com

Terry Lodge  
Convenor  
Toledo Coalition for Safe Energy  
Toledo, OH  
lodgelaw@yahoo.com

Charles K. Johnson  
Board Member  
Center for Energy Research  
Salem, OR  
johnsonc20@gmail.com

Nina Bell  
Executive Director  
Northwest Environmental Advocates  
Portland, OR  
nbell@advocates-nwea.org

Ernest Fuller  
Vice-Chairman  
Concerned Citizens for SNEC Safety  
Six Mile Run, PA  
fullercogm@gmail.com

Eric Epstein  
Chairman  
Three Mile Island Alert, Inc.  
Harrisburg, PA  
epstein@efmr.org

Elizabeth Aviles  
Presidenta Junta de Directores  
CCOREM  
Caguas, PR  
ccorem2013@gmail.com

Rev. Sary N. Rosario  
Christian Church (Disciples of Christ) in Toa Alta, PR  
San Juan, PR  
sary_mar@yahoo.com

Abel Vale  
President  
Ciudadanos Del Karso  
San Juan, PR  
avn@cdk-pr.org

Peter Delgado  
Resident  
Clean Act  
Arecibo, PR  
Peterdelgadopr@gmail.com

Myrna Conty  
Coordinator  
Coalición Organizaciones Anti Incineración  
Guaynabo, PR  
gmchg24@gmail.com

Angel González, MD  
Colegio de Médicos Cirujanos de Puerto Rico  
San Juan, PR  
aagcmq84@gmail.com
Ruth Santiago
Lawyer
Comite Dialogo Ambiental, Inc
Salinas, PR
rstgo2@gmail.com

Miriam Gallardo Gonzalez
Member
Fase
Arroyo, PR
gallardo.miriam@yahoo.com

Eileen Llorens
Health Network
San Juan, PR
eileenllorens@protonmail.com

Alice Pérez
Psicóloga
ISEP
Carolina, PR
prof.alice.perez@gmail.com

Tomás Flores
Ex candidato al senado por distrito de Guayama PR
Movimiento Victoria Ciudadana
Cayey, PR
tomasflorestorres2020@gmail.com

Jose A. Colon-Lopez
Natours
Boqueron, PR
natouravases@gmail.com

Jose A. Menendez
Chapter chair
Sierra Club de Puerto Rico
Trujillo Alto, PR
jmenen6666@gmail.com

Juan Camachó
Ambientalista
TDA
Trujillo Alto, PR
Juncamachopr@yahoo.com

Annette Jiménez
MExSC
VidaSalud - Puerto Rico
Manati, PR
annetteyanira@gmail.com

Drew Hudson
Founder
198 methods
columbia, SC
drew@198methods.org

Dr. F. Taylor
Justice coordinator
Benedictine University
Hilton Head, SC
fintaylor@hargray.com

Maggie Gundersen
Founder & Director
Fairewinds Energy Education
Charleston, SC
info@fairewindsenergy.org

Jenn Galler
Community Organizer
Blue Ridge Environmental Defense League
Knoxville, TN
jgaller1112@gmail.com

Don Safer
Board Member
Tennessee Environmental Council
Nashvbille, TN
dsafer@comcast.net

Sarah Fields
Program Director
Uranium Watch
Monticello, UT
sarah@uraniumwatch.org
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Organization</th>
<th>Location</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Westwater</td>
<td>Chairman</td>
<td>Utah Valley Earth Forum</td>
<td>Provo/Spanish Fork, UT</td>
<td><a href="mailto:THEUVEF@GMAIL.COM">THEUVEF@GMAIL.COM</a></td>
</tr>
<tr>
<td>Peggy Maze Johnson</td>
<td>Board Member</td>
<td>Heart of America NW</td>
<td>Seattle, WA</td>
<td><a href="mailto:pmjconsults@gmail.com">pmjconsults@gmail.com</a></td>
</tr>
<tr>
<td>Greg Wingard</td>
<td>Executive Director</td>
<td>Waste Action Project</td>
<td>Kent, WA</td>
<td><a href="mailto:gwingard@earthlink.net">gwingard@earthlink.net</a></td>
</tr>
<tr>
<td>John LaForge</td>
<td>Co-Director</td>
<td>Nukewatch</td>
<td>Luck, WI</td>
<td><a href="mailto:nukewatch1@lakeland.ws">nukewatch1@lakeland.ws</a></td>
</tr>
<tr>
<td>Pamela Richard</td>
<td>Office Administrator</td>
<td>Peace Action of WI</td>
<td>Milwaukee, WI</td>
<td><a href="mailto:pamrichard35@gmail.com">pamrichard35@gmail.com</a></td>
</tr>
</tbody>
</table>