

NGO Statement on United States Compliance with The International Covenant on Civil & Political Rights (ICCPR)

NGO's: Fukushima Response (with the Berkeley Fellowship of Unitarian Universalists Social Justice Committee and the Meiklejohn Civil Liberties Institute)

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Suggested urgent issue for the U.S. re Fukushima radiation

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1. Fukushima Response is a Californian non-governmental organization comprised of activists, academics, parents, a Disaster & Fire Safety Commissioner, and an M.D. who are committed to getting the on-going dangers from Fukushima Daiichi radiation reduced or eliminated to every extent possible. There are two active chapters, Northern California and Bay Area, with budding chapters elsewhere. The BFUU Social Justice Committee is a faith-based NGO with a long history of effectively addressing issues of ecology, social justice and human rights. Info on MCLI was submitted in other reports. (ix.)

ISSUE: The Right to Life and Health denied by inadequate response to Fukushima Daiichi nuclear disaster

2. The U.S. Government failed to address the human rights of communities living in the direct path of the jet stream coming from the three Fukushima Daiichi nuclear power plants that melted down shortly after the 11th of March 2011 earthquake and tsunami, and failed to inform residents of precautionary measures such as to "shelter in" on high emission rainy days, and continues failing to mitigate damages and to inform the public. The rights to life include the right to inhale clean air and the right to walk outdoors without becoming ill from contaminated rain. Mortalities and illnesses caused by radiation in the U.S. coming from Japan (as well as U.S. nuclear power plant leaks) are human rights violations. International Covenant on Civil and Political Rights Articles that are violated include 6 and 24. (i.)

ICCPR Article 6: Inherent Right to Life.

3. An estimated 14,000 initial excess deaths in the U.S. are linked to the radioactive fallout from the disaster at the Fukushima nuclear reactors in Japan. (ii.)

The actual initial U.S. death count could be 18,000 in the first months following the 11th of March 2011 Fukushima catastrophe, with influenza and pneumonia, up five-fold, in question as a cause of death. Deaths were seen across all ages. (iii.)

A peer-reviewed article derived from Center for Disease Control data revealed over 22,000 suspicious and excessive North American deaths over the immediate 14 week period. (iv.)

Pediatrician Helen Caldicott and nuclear engineer Arne Gunderson advised immediate evacuation to the southern hemisphere should the severely damaged Unit 4 Spent Fuel Pool collapse in this highly active earthquake zone. Even if that does not occur, radioactive emissions into the jet stream and into the Pacific Ocean will continue for many years. Were emissions to cease, negative health impacts would nevertheless continue.

Cancers associated with lower levels of radiation typically take years to develop, 5 to 7 years with leukemia and 10 to 20 years for solid tumors. (v.)

Radioactive iodine-131 damages the thyroid gland (vi.), cesium damages muscles including the heart muscle, strontium weakens bones, and there are many other radionuclides being released including tritium and plutonium. Some of them are very long-lived. Radiation from Fukushima has been measured in kelp and fish off the coast of California. Radiation bioaccumulates (concentrates) in meat and dairy products. Resulting DNA damage and mutations could adversely impact generations of flora and fauna, as well as humans, far into the future.

ICCPR Article 24: Special Protection of Children.

4. Children, babies and others with weaker immune systems are disproportionately affected. Infants were hardest hit initially because their tissues are rapidly multiplying, they have undeveloped immune systems, and the doses of radioisotopes are proportionally greater than for adults. (iii.)

There was a 35% increase in west coast infant mortality rates in the first 11 weeks after the initial Fukushima Daiichi disaster. The radiation contamination likely came through rainfall. The spike in infant mortality rates within the first weeks of the catastrophe occurred in cities across the U.S., and was much higher in Philadelphia where rainfall was heavier. Infants were particularly susceptible because of their reduced thyroid function. (iv.)

5. On 25 March 2012, Mitsuhei Murata, former Japanese ambassador, wrote to UN Secretary General Ban Ki-moon, "...It is no exaggeration to say that the fate of Japan and the whole world depends on No.4 reactor. This is confirmed by most reliable experts like Dr. Arnie Gundersen or Dr. Fumiaki Koide....The world has been made so fragile and vulnerable. The role of the United Nations is increasingly vital...." The ambassador's letter was reiterated by a 1 May 2012 coalition plea for UN intervention, an independent assessment team and international assistance, "...imperative for the Japanese government and the international community to work together on this crisis before it becomes too late. We are appealing to the United Nations to help Japan and the planet in order to prevent the irreversible consequences of a catastrophe that could affect generations to come...." endorsed by 75 organizations and Hiroaki Koide of Kyoto University Nuclear Reactor Research Institute, former UN diplomat Akio Matsumura, Institute for Policy Studies Sr. Scholar Robert Alvarez, former nuclear plant engineer Masashi Goto, etc.

6. More recently, in the summer of 2013, the utility company Tepco admitted that leaking water from one of many vulnerable tanks is extremely contaminated. Experts say that if water beneath the reactors gets into the ocean, it will surpass even the leaks that occurred in the disaster's early days. Since March 2011, 300 tons of somewhat contaminated water has been leaking into the Pacific Ocean daily. (vii.)

Conclusion: Recommendations for the U.S.

7. In its Concluding Observations on the U.S. Report, we suggest that the Human Rights Committee recommend an update which considers known and projected adverse health impacts from the Fukushima Daiichi on-going nuclear disaster, and admonish the U.S. federal government to do everything in its power to work cooperatively in solving this on-going global crisis post haste, and to widely disseminate vital information as to preventing or mitigating adverse health impacts. To manage this enormous challenge, we recommend that the U.S. help establish an emergency international Commission of the world's most qualified experts who are independent of the IAEA and other agencies that have pro-nuclear conflicts of interest. The Concluding Observations provide an opportunity to remind the U.S. government of its duty to accurately inform and properly protect its citizens and residents regarding this serious, on-going danger. U.S. Senator Ron Wyden, after his visit to the Fukushima Daiichi nuclear power plant on 6 April 2012, issued a press release pointing out the catastrophic risk and calling for urgent U.S. government intervention, yet the Environmental Protection Agency is proposing further cutting radiation protections (viii.) Please ask the U.S. government what it is doing about initial, on-going and projected Fukushima Daiichi life-threatening dangers, and what it will do, to protect peoples' right to life. The ICCPR is part of the Supreme Law of the Land under Article 6 clause 2 of the U.S. Constitution because it is a treaty that has been ratified by the U.S.

(i.) International Covenant on Civil & Political Rights, PART III *Article 6*: "1. Every human being has the inherent right to life. This right shall be protected by law...."

ICCPR Part.3, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess, Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (entered 23/3/1976.)

(ii.) Dec. 19, 2011 /PRNewswire-USNewswire quoting the first peer-reviewed study published in a medical journal documenting the health

hazards of Fukushima, the Dec. 2011 edition of the International Journal of Health Services.

(iii.) *ibid.* Internist and toxicologist Janette Sherman, MD

(iv.) Dr. John Apsley

(v.) Andrew Maidment, associate professor of radiology, chief of the physics section in the dept of radiology, University of Pennsylvania

(vi.) www.health.harvard.edu/blog/thyroid-cancer-a-hazard-from-radioactive-iodine-emitted-by-japans-failing-nuclear-power-plants-201103141867

(vii.) <http://enenews.com/new-york-times-ultimate-worst-case-scenario-underway-at-fukushima-experts-suspect-extreme-contamination-flowing-from-below-melted-reactors-and-into-pacific-would-surpass-even-the-worst-radia> *Study: Up to 47 quadrillion becquerels of cesium-137 released into Pacific from Fukushima*

(viii.) Docket ID No. EPA HQ-OAR-2007-0268.

(ix.) Primary author of this report, Berkeley Commissioner Phoebe Sorgen, is indebted to MCLI, Ann Fagan Ginger, Victoria Sawicki, and Brittney Vevaina for research and templates re other issues without which this could not have been prepared.