



November 6, 2025

The Honorable Timothy J. Walsh
Assistant Secretary for Environmental Management
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

The Honorable Brandon Williams
Administrator
National Nuclear Security Administration
1000 Independence Avenue SW
Washington, DC 20585

Subject: Continuation of Essential Legacy Waste Cleanup Activities During a Lapse in Appropriations and Enforcement of Existing Compliance Obligations

Dear Assistant Secretary Walsh and Administrator Williams:

This letter is submitted as states directly impacted by the ongoing legacy waste cleanup activities at various U.S. Department of Energy (DOE) and National Nuclear Security Administration (NNSA) facilities.

We write to reiterate that the cleanup of legacy waste is not a discretionary federal program, it is a necessary, high-priority public safety and environmental protection function. Such cleanup requirements are codified in legally binding documents, including but not limited to: Federal Facility Agreements, Interagency Agreements, State-Issued Permits (e.g., Resource Conservation and Recovery Act), Administrative and Judicial Consent Orders, and State-Issued Enforcement Orders. These instruments contain mandatory schedules, milestones, targets, and performance measures that are designed to mitigate imminent and long-term hazards. Importantly, the current lapse in Congressional appropriations does not constitute a “force majeure” event under the terms of the cleanup agreements, permits, or orders. Stopping or suspending cleanup activities would undermine the entire regulatory framework and the legal enforceability of these critical agreements.

The importance of legacy waste cleanup is not only captured in legally binding documents at the state level but also reiterated at the national level in the Environmental Council of States Resolution Number 10-3 (as renewed on March 26, 2025).¹ This resolution calls on the U.S.

¹ See <https://www.ecos.org/documents/resolution-10-3-cleanup-budgets-for-the-nuclear-weapons-complex/>

Assistant Secretary Walsh and Administrator Williams

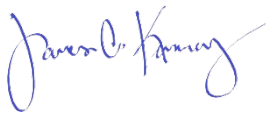
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DOE to expedite cleanup of the nuclear weapons complex and maintain a strong forum for communication and planning with state environment officials. As further mentioned in Resolution 10-3, accelerated cleanups generate cost savings. To ensure each state and the communities we serve benefit from continued U.S. DOE cleanup efforts, we expect all activities critical to meet state obligations continue during any lapse in federal appropriations.

While we look forward to the federal shutdown ending, the U.S. DOE and NNSA legal obligations for legacy waste cleanup in our states remain in full effect during this time.

Sincerely,

A handwritten signature in blue ink, reading "James C. Kenney".

James C. Kenney
Cabinet Secretary
New Mexico Environment Department

A handwritten signature in blue ink, reading "Casey D. Sixkiller".

Casey D. Sixkiller
Director
Washington State Department of Ecology