

December 1, 2020

The Honorable John A. Barrasso
Chairman
Environment and Public Works Committee
United States Senate
307 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Environment and Public Works Committee United States Senate
456 Dirksen Senate Office Building
Washington, DC 20510

Re: Oppose Uranium Reserve in ANIA Letter

Dear Chairman Barrasso, Ranking Member Carper, and Members of the Senate Committee on Environment and Public Works,

On behalf of our thousands of members, as well as on the behalf of mining-impacted communities throughout the West, we write to express our opposition to the creation of a domestic uranium reserve under Title IV, Section 402 of the American Nuclear Infrastructure Act of 2020 (ANIA S.4897). By establishing a domestic reserve, even though there is no danger of a uranium shortage, ANIA Section 402 represents no more than a bailout for the uranium mining industry.

Five companies produced uranium from seven domestic facilities in 2018, according to the Energy Information Administration. Energy Fuels Resources (Energy Fuels), a publicly traded Canadian company, advocated for removing protections from the Bears Ears National Monument to benefit their own nearby uranium mill- as well as claims they sold in exchange for a large stake in the purchasing company, enCore Energy. Energy Fuels has an interest in almost 1/3 of active mining claims within the original boundaries of the Monument, many of which now fall outside the Monument's boundaries.

Energy Fuels and Ur-Energy, another Canadian-based company, petitioned the Commerce Department in 2018 to impose quotas on uranium imports by falsely raising the specter of national security concerns. Under pressure from nuclear power utilities unwilling to pay a higher price for lower quality U.S. uranium, the Trump Administration denied the petition last year and instead created the United States Nuclear Fuel Working Group—the next target to which these companies would later pitch their bailout. ANIA Section 402 calls for both taxpayer subsidies and government manufactured demand to appease nuclear utilities' cost concerns.

Trade restrictions, uranium subsidies, and artificial demand can make bad policy, a view shared across the political spectrum. Protections for iconic American landscapes like Bears Ears and the Grand Canyon enjoy bipartisan support. Both of these sites are sacred to many Indigenous Peoples. And yet, ANIA Section 402 lines the pockets of foreign mining companies that have plans to exploit these places. It also reinforces this Administration's controversial decision to add uranium to its list of so-called critical minerals. Traditionally, fuel minerals are not classified as critical minerals.

This uranium reserve provision also lays bare the toxic and racially troubled legacy of uranium mining. Mining-impacted Indigenous communities will likely suffer the most from the uranium filling this reserve. These communities have traditionally not received meaningful consultation in the siting and operation of uranium mines. A recent University of New Mexico study found that more than ¼ of over 700 Navajo Nation women tested had high concentrations of uranium in their bodies. These negative impacts to Native health and lives continue to persist long after mining ceases. Taxpayer support for an industry that has left a lasting and disproportionate health impact in Indigenous Communities is unjustifiable.

Although we appreciate that ANIA contains a specific exclusion for the Grand Canyon mining withdrawal and tribal lands, uranium mining and waste processing does not happen in a vacuum. Mining companies receiving a financial boost from a taxpayer funded uranium reserve still have plans and investments in and around these places, and contamination of the air, lands, and waters near excluded tribal lands will still negatively and disproportionately affect these communities.

The White Mesa Mill, for example, sits just 4 miles north and upgradient of the Ute Mountain Ute community of White Mesa in southeastern Utah, just outside the original boundaries of Bears Ears National Monument. The White Mesa Mill is the only conventional uranium mill in the country, processing conventional ores as well as waste transported from in situ uranium mines. The waste in the mill's tailings impoundments, sprawling hundreds of acres, will remain there in perpetuity. The community of White Mesa continues to worry that the highly acidic, toxic, and radioactive waste will, over time, eventually leak into deeper groundwater and their water supply.

ANIA Section 402 will further these impacts upon communities through existing and potential new uranium mines permitted through an ad hoc regulatory structure that fails to protect scarce Western groundwater. The Obama Administration had been well on its way to addressing the need for new, protective uranium recovery standards under EPA's purview. The current Administration withdrew those long overdue proposed standards and we now face the Nuclear Regulatory Commission's likely attempt to weaken their already grossly inadequate standards.

The toxic legacy remaining from our Cold War efforts to mine uranium has also left mining impacted communities and taxpayers with the financial burdens of cleanup. Uranium mines pay no federal reclamation fee nor federal royalty in exchange for the massive profits they make from lands that belong to the American public. ANIA Section 402 only furthers that injustice while artificially propping up polluting, non-U.S. companies that are inadequately regulated at U.S. taxpayers' expense.

For the above reasons, we respectfully urge you and the Committee to strip Title IV, Section 402 from the American Nuclear Infrastructure Act of 2020.

Sincerely,

Accents Away

ACT

Alliance of Nurses for Healthy Environments

Arizona Faith Network
Arizona Trail Association
Beyond Nuclear
Black Hills Clean Water Alliance
C.A.R.D. (Coloradoans Against Resource Destruction)
Cape Downwinders
CCSS (CONCERNED CITIZENS FOR SNEC SAFETY)
Center for Biological Diversity
Center for Cultural Evolution
Citizen Power, Inc
Citizens Awareness Network
Citizens for Alternatives to Radioactive Dumping (CARD)
Citizens' Resistance at Fermi Two
Comite Dialogo Ambiental, Inc
Concerned Citizens for Nuclear Safety
Conservation Law Foundation
Defenders of Wildlife
Earthworks
Elders Climate Action
Environment America
Environmental Justice Taskforce of the Western NY Peace Center
Environmental Protection Information Center
Food & Water Watch
Franklin County Continuing the Political Revolution
Friends of the Earth US
Gila Resources Information Project
Grand Canyon Trust
Great Basin Resource Watch
Great Old Broads for Wilderness

Green State Solutions

GreenLatinos

Heart of America NW

High Country Conservation Advocates

Hudson River Sloop Clearwater

Information Network for Responsible Mining

KentCom LLC

Klamath Forest Alliance

LEAD Agency, Inc.

League of Conservation Voters

Los Padres ForestWatch

Lynn Canal Conservation

Malach Consulting

Mining Impact Coalition of Wisconsin

Multicultural Alliance for a Safe Environment

New Mexico Environmental Law Center

North American Water Office

Northeastern Minnesotans for Wilderness

Nuclear AgePeace Foundation

Nuclear Information and Resource Service

Nuestra Tierra Conservation Project

Occupy Bergen County

On Behalf Of Planet Earth

Portsmouth/Piketon Residents for Environmental Safety and Security

Radiation Truth

Rock Creek Alliance

Samuel Lawrence Foundation

San Francisco Bay Physicians for Social Responsibility

San Juan Citizens Alliance

San Luis Obispo Mothers for Peace

San Luis Valley Ecosystem Council

Save Andrews County

Save Lake Superior Association

Save Our Cabinets

Save Our Sky Blue Waters

Sheep Mountain Alliance

South San Juan Broadband, Great Old Broads for Wilderness

Tennessee Environmental Council

The Lands Council

The Sierra Club

The Wilderness Society

Uranium Watch

Western Organization of Resource Councils

Western Watersheds Project

Wild Arizona

Women's Energy Matters

Fairewinds Energy Education

National Parks Conservation Association

Nuclear Free New York

Haydenville Congregational Church