

Testimony of Dr. Joe Shirley, Jr., President
The Navajo Nation
before the
United States House of Representatives
Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
March 28, 2008

Good afternoon Chairman Grijalva and members of the Committee. Thank you for inviting me to testify before you today, and for holding this field hearing to discuss an issue of such grave importance to the Navajo People. In sum, Chairman Grijalva I ask you to help the Navajo People live free of uranium mining.

Chairman Grijalva with the introduction of HR 5610, I believe that you understand the threat that is posed by renewed uranium mining on lands on or near the Navajo Nation. As the price of uranium rises, companies will inevitably seek to mine in those areas of the country with the largest deposits of uranium ore. Unfortunately for the Navajo People, this drive to exploit the price increase in uranium means that yet again companies will seek to come onto our land or onto to Navajo Indian Country to pollute our water, our land and our people in pursuit of profit. We have seen this before and we still live with uranium mining's effects long since the last mining and processing facilities closed. We are not the same people as we were during the last uranium rush. We will not sit by ignorant of the effects of uranium mining only to watch another generation of mothers and fathers die. We will not watch a new generation of babies born with birth defects. We will not allow our people to live with cancers and other disorders as faceless companies make profits only to declare bankruptcy and walk away from the damages they have caused. Regardless of the bond they have in place.

Over fifty years ago, as the Cold War raged, the United States government began a massive effort to mine and process uranium ore for use in the country's nuclear weapons programs. Much of that uranium was mined on, or near, Navajo lands, and much of it extracted

and processed with Navajo hands. Today, the legacy of uranium mining continues to devastate both the people and the land. The workers, their families, and their neighbors suffer increased incidences of cancers and other medical disorders caused by their exposure to uranium. Fathers and sons who went to work in the mines and the processing facilities brought uranium dust in to their homes infecting their families. The mines, many simply abandoned, have left open scars in the ground leaking radioactive waste. The companies that processed the uranium ore dumped their waste in open, and in some cases unauthorized, pits infecting both the soil and the water. The tragedy of uranium's legacy extends not only to those who worked in the mines, but to those who worked and lived *near* the mines that also experienced devastating illnesses. Decades later, the families who live in those same areas continue to experience health problems today. The remnants of uranium activity continue to pollute our land, our water, and our lives. It would be unforgivable to allow this cycle to continue for another generation.

Many companies have already approached the Navajo Nation with promises of vast riches if we were to allow them to mine our uranium deposits. They have promised us newer and cleaner methods of mining that do not harm the land, the water, or the People. We have repeatedly declined their offers. Recently some companies have promoted the use of a process called *in situ* leach mining that mines uranium ore by injecting a solution in the earth that pulls the ore from the surrounding rock. These companies claim the process is harmless. The science on this process is at best inconclusive, and at worst points to increased radioactive contaminants in the groundwater after the mining operations cease.

I have a hard time believing the claims of those who wish to profit from uranium mining that their "new" process is so much safer when history and science establish a different record. The Navajo People have been consistently lied to by companies and government officials concerning the effects of various mining activities. Unfortunately, the true cost of these

activities is only understood later when the companies have stolen away with their profits leaving the Navajo People to bear the health burdens. Why should we believe these companies now when this industry failed to clean up the toxic mess they left behind the first time? Why should we believe these companies now, when years after the last pound of uranium was removed from Navajo Land, my people still get sick and die from contamination? How can anyone consider allowing renewed uranium mining without cleaning up the contamination that has existed on our land for decades from the last drive to mine our uranium?

In response to the Navajo Nation's refusal to allow renewed uranium mining within the reservation boundary, many companies are attempting to bypass our wishes and mine within Navajo Indian Country. As an example of this, I would like to take a moment to discuss the community of Crownpoint, New Mexico. For years a company has attempted to mine uranium using the *in situ* process here. The majority of the population of Crownpoint has consistently opposed any attempted mining. In response to the wishes of the community, the company has used Navajos who hold title to their land to bypass the objections of the community. By luring these Navajos with promises of riches they have managed to divide the community against itself, and are now pressing hard to begin mining operations. Are these the business practices that the Navajo People will have to look forward to in the Great 21st Century Uranium Rush? Are we to be cast aside again so others may profit?

The area where this mining would take place is located next to a school and is only several hundred feet from the sole drinking water source for more than 3000 Navajos. While we have been promised that *in situ* leach mining is a harmless process, one need only watch a stream flow to understand that a liquid will follow its own path. No one here can guarantee me that once this toxic solution is in the ground that it won't move of its own accord and contaminate our drinking water. I will not risk the health and safety of my people on the promises of those who

advance as a fact something for which there is little evidence. I will not allow my Navajo People to be the guinea pigs of those seeking only profit. I will not sit idly by and watch as another generation of Navajos face a litany of cancers and other illnesses.

We are asked to believe blindly what the companies tell us, that the process is clean and nonintrusive. Uranium mining that takes place on land just off the reservation boundary will not and cannot hold its contaminants within a narrow area. The contamination *will* travel; it does not stay in one place. It moves as it has for decades spreading contamination as it moves. The very nature of this clean and nonintrusive process involves the injection of fluid that cannot be controlled, and will most assuredly contaminate anywhere it flows including into our ground water. Why should we believe any of these companies when they threaten our water and try to pit the Navajo People against one another? I will not allow dividing and conquering the Navajo People to remain a profitable strategy.

As time has gone on and the land has been eroded by wind and rain, we continue to discover new contamination sites where uranium was mined and processed. We have also discovered both illegal dump sites, and legal dump sites that people thought were being properly closed, that have been eroded and are now open to the elements spreading their contaminants with every gust of wind. It is unconscionable to me that the federal government would consider allowing uranium mining to be restarted anywhere near the Navajo Nation when we are still suffering from previous mining activities.

The Navajo Nation will not allow these companies to threaten our people and survival. Therefore, in response to these attempts to renew uranium mining, the Navajo Nation Council passed, and I signed into law, the Diné Natural Resource Protection Act, or the DNRPA. This Act places a ban on all uranium mining both within the Navajo Nation boundary, and within “Navajo Indian Country.” This means that the Navajo Nation asserts its rights and jurisdiction as

a sovereign government as recognized by federal law, and reaffirmed by the courts to place a ban on the mining of uranium on both the Navajo Nation and surrounding lands. The Navajo Nation Code and the US Code define the extension of Navajo jurisdiction to include reservation lands, trust lands, allotted lands, and dependent Indian communities. Under this definition the areas currently under mining permit review fall within Navajo jurisdiction. The Navajo Nation will use any and all measures at its disposal as a sovereign power to ensure that our law is carried out. The Navajo People do not want renewed uranium mining on or near the Navajo Nation. I ask the federal government and the companies who wish to mine land under Navajo jurisdiction to respect our wishes and our laws.

In sum, the Navajo Nation asks that our wish to live free of uranium mining is respected. If the government and corporations insist on uranium mining we insist it not be on Navajo Indian Country; do it elsewhere. We have lived through that once, and continue to live with its effects today. The Navajo People have earned the right through illness and death to choose to not live through it again. I pray that the federal government will learn from the experiences of the Navajo People and protect their own constituents and land from generations of contamination.