

Opening Remarks – Sen. Tom Udall
EPW Hearing: Gold King Mine Spill
September 16, 2015

Chairman Inhofe and Ranking Member Boxer. Thank you very much for focusing on this issue. It's a very important issue not only for our states, but it's also an important issue for the nation and for the West. I first of all—because this impacted in New Mexico the Navajo Nation—I would like to recognize the President of the Navajo Nation, Russell Begaye. They in particular have been concerned about this, and he is going to testify this afternoon in the Indian Affairs Committee.

To give all of you the big picture—as I listen to the two Colorado senators—here you have big mining companies who have been extracting minerals we use in everyday life—and some of these are very valuable and we need them—but who says that they are entitled to pollute the sacred waters of two Native American tribes? Who says that they should be able to pollute drinking water that our two states use on a daily basis? And that really is why we are here—to fix this, to make sure that it never happens again. That's a big task, because this has been going on for a long time, this mining and pollution from it, and people have been working on it for decades, but we have not been able to solve this problem and really come to grips with it.

In the West, rivers are our lifeblood—our drinking water and irrigation, and support for agriculture. The Animas River means “River of Souls.” The San Juan River is also an important part of Navajo tradition, and the Navajos have a saying “water is life.” Our Hispanic community in New Mexico says the same thing. So we all know how important water is to us in the West. This is a disaster on many levels—to our water, our economy, and our culture. And I just very much appreciate working with this Committee and with these senators to get to the root of what we need to do.

I appreciate EPA taking responsibility for the spill. Mistakes were also made after it occurred. There were delays in notification, and confusion across 3 different EPA regions. There were also delays in testing, and providing much needed water for irrigation and other supplies. EPA has accepted responsibility here as well.

At the same time, EPA is not the only responsible party. What happened at the Gold King Mine is part of a much bigger problem. Abandoned mines in the West are a ticking time bomb—slowly leaking hazardous waste into our streams and rivers. The mine owners that left this mess are no longer around. EPA is not in the mining business. It is in the clean-up business. And just to show you the wake-up call that all of us are facing, there are 10 mining projects similar to this that EPA analyzed. They believe there are similar conditions at ten of these mines, and the work has been suspended. Three of those are in California, four are in Colorado, two in Montana, and one in Missouri.

Other blow-outs can occur—set-off by clean-up teams—or from natural events, like seismic activity or heavy storms. This is a massive problem, which EPA and others are trying to address.

There is still uncertainty about what happens next, and there are still unanswered questions. How does the compensation system work? Who will monitor the river long-term? What clean-up efforts need to take place—along the river—and at the source with these mines?

This is a long-term problem, and it requires long-term legislation. We have to make sure we get this right, and not repeat these mistakes. We are introducing legislation this week. To ensure compensation for those who have had losses and damages. To require EPA—and others—to identify the risks of more spills by assessing mines for clean-up. And to require that EPA has contingency plans in place, and alert downstream stakeholders about mine clean-up activity.

This disaster is also a wake-up call—to reform the 1872 mining law. That law continues to allow mining corporations to take hardrock minerals—like gold, silver, copper, and uranium—from public lands, without paying any royalty. *Zero*. Meanwhile, coal, oil, and gas companies have paid royalties for many decades. Almost everyone agrees this is a problem. But, so far there has been no progress. When my father was Interior Secretary, mining reform was his greatest unfinished business.

I have long pushed for mining reform, first in the House, and now in the Senate. We passed a unanimous amendment to the 2013 budget, and worked with GAO to assess the situation. GAO has found there are thousands of abandoned mines with no owner.

Many of these mines are leaking toxins into our water in the West. It will cost tens of billions of dollars to remediate these sites. A mining royalty will bring fairness to taxpayers—and help pay for clean-up. EPA is to blame for this spill. But, we will *all* share the blame if we fail to reform this law.

Senator Heinrich and I will introduce legislation to get this done. We will seek broad support for this legislation, and I believe Senator Heinrich will discuss this issue further as well.

