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CONTACT: Whitney Painter (303) 903-9119; (202) 887-1872 x211

UNLIMITED TOXIC WASTE DUMPS ALLOWED ON PUBLIC LANDS

Bush Administration Favors Mining Corporations with Change

*Protecting
Communities
and the
Environment*

Washington, D.C.—A new opinion issued by the Bush administration will permit unlimited toxic waste dumping by companies that mine for gold, silver, copper and other precious metals on public lands owned by U.S. taxpayers.

Interior Secretary Gale Norton was pressured by members of Congress sympathetic to the National Mining Association to have the new opinion issued by the Interior Department Solicitor's Office.

The decision nullifies a limit reflected in federal mining law, which was reinforced by a previous decision issued in 1997.

“Negotiated behind closed doors between the Bush administration and America's most toxic industry, this outrageous reversal directs the government to quit enforcing existing federal law,” said Steve D'Esposito of Mineral Policy Center.

Added D'Esposito: “It puts clean water and community health at increased risk, with an open invitation to dump massive quantities of toxic mining waste on unlimited amounts of our public lands.”

More toxic waste is produced by hardrock mining than any other industry in America, as shown by the industry's own reports to EPA. 2.8 billion pounds of toxic waste were produced by hardrock mines in 2001—including 366 million pounds of arsenic, 355 million pounds of lead and 4 million pounds of mercury—according to the most recent numbers released last month by EPA.

America's federal mining law was written in 1872 to encourage homesteading in the American West. For each 20-acre mining claim, the law allows 5 additional “millsite” acres for activities “ancillary” to mining. In 1872, a millsite provided room for equipment to process newly-extracted ore.

But modern mining techniques and pollution are dramatically more dangerous and toxic now. Chemical leach technology, widespread since the 1970s, uses poisons like cyanide to extract trace amounts of metal from tons of earth. Millsites are now used for dumping these giant piles of “waste rock” and “tailings” contaminated with poisons like cyanide and massive amounts of heavy metals like arsenic, lead and mercury.

1612 K Street, NW
Suite 808
Washington, D.C.
20006

Telephone:
202.887.1872

Fax:
202.887.1875

Email:
mpc@mineralpolicy.org

Website:
www.mineralpolicy.org

Now mining companies, seeking more public land for dumping toxic waste rock, have succeeded in pressuring the Bush administration into lifting the 5-to-20 ratio established under the mining law.

The new opinion issued by Deputy Solicitor Roderick Walston directly contradicts an opinion issued in 1997 by then-Solicitor John Leshy, which stated the millsite provision of 5 acres for each claim should be enforced. Leshy's opinion gave federal land managers the ability to deny mine permits in cases where hardrock mines proposed dumping excessive amounts of waste on public lands.

Leshy said today: "President Bush is trying hard to paint himself as a moderate on the environment. There is nothing moderate about capitulating to the hardrock industry's request for an unlimited legal right to dump polluting waste on our public lands."

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