



July 19, 2011

The Honorable Johnny Naize  
Speaker of the 22<sup>nd</sup> Navajo Nation Council  
Window Rock, Navajo Nation (Arizona) 86515

*RE: Legislation Bill Tracking No. 0240-11: Approving The Smoke-Free Navajo Nation Act of 2011*

Dear Speaker Naize:

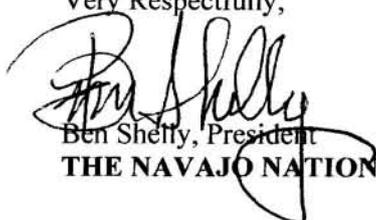
We have deep concerns about Legislation Bill Tracking No. 0240-11 for which we strongly recommend the 22<sup>nd</sup> Navajo Nation Council oppose the legislation. Our concerns are:

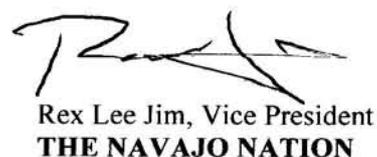
1. The legislation fails to address the Navajo Nation's governmental responsibility to protect the health and safety of the general public, especially casino workers and patrons;
2. While the legislation finds and recognizes the harmful effects of commercial tobacco and second-hand smoke, it fails to authorize appropriations necessary for the Navajo Nation Division of Health to provide adequate commercial tobacco prevention, cessation and treatment programs;
3. The Navajo Nation Division of Health and its Office of Environmental Health Code Enforcement, and the Navajo Nation Division of Public Safety are delegated to enforce the Act and to issue citations, including ensuring due process for violation of the Act. However the Act does not authorize the appropriations necessary to perform these authorities and responsibilities;
4. It does not make sense to add Legislation 0240-11 and not further research the contradiction or compatibility with the Civil Tobacco Liability Enforcement and Recovery Act, 13 N.N.C. § 401 et. al. This analysis needs to be done before Legislation 0240-11 is considered.
5. The legislation, if passed and enacted, will be an unfunded and underfunded mandate.

Currently, the Navajo Nation Office of Environmental Health Code Enforcement is funded by a P.L. 93-638 contract with the Indian Health Service and limited Navajo Nation General Fund, which supports five Full-Time Employees to monitor and regulate only food service activities on the Navajo Nation. Additionally, the Navajo Nation Health Education, HIV Prevention and Teen Pregnancy Prevention program provides health promotion and disease prevention activities; however, the program will require additional resources to enhance its activities to include publication and dissemination of scientific literature regarding harmful effects of commercial tobacco and second-hand smoke.

We firmly support a Healthy Navajo Nation by prohibiting the use of commercial tobacco in the workplaces and public places on the Navajo Nation. While Legislation No. 0240-11 is an attempt to establish a smoke-free policy for the Navajo Nation, but it fails short of protecting our people from the harmful effects of commercial tobacco and secondhand smoke. Therefore, we respectfully request that the 22<sup>nd</sup> Navajo Nation Council oppose the legislation. We look forward to a positive collaboration by developing a legislation that will support a Healthy Navajo Nation.

Very Respectfully,

  
Ben Shelly, President  
**THE NAVAJO NATION**

  
Rex Lee Jim, Vice President  
**THE NAVAJO NATION**