

## WRITTEN TESTIMONY

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**Before the 116th United States Congress, House Committee on Natural Resources**

**Subcommittee on Energy and Mineral Resources**

**Legislative Hearing on H.R. 4248 "Surface Mining Control and Reclamation Act  
Amendments of 2019"**

**Longworth House Office Building, Room 1324**

**Thursday, November 14, 2019**

Thank you Chairman Lowenthal, Ranking Member Gosar, and distinguished members of the subcommittee. My name is Jason Walsh, and I am the Executive Director of the BlueGreen Alliance, a national partnership of labor unions and environmental organizations. On behalf of my organization, our partners, and the millions of members and supporters they represent, I want to thank you for convening this hearing today regarding reauthorizing the Abandoned Mine Land (AML) Program.

The BlueGreen Alliance unites America's largest and most influential labor unions and environmental organizations to solve today's environmental challenges in ways that create and maintain quality jobs and build a stronger, fairer economy. Our partnership is firm in its belief that Americans don't have to choose between a good job and a clean environment—we can and must have both.

Investing in reclaiming abandoned coal mines—the topic of today's hearing—is a clear example of this principle. Abandoned mine reclamation tackles environmental and public safety challenges while creating quality jobs and spurring economic development and diversification in coal communities. H.R. 4248, the Surface Mining Control and Reclamation Act Amendments of 2019, would help coal communities adapt to changing economics while reclaiming their natural landscape.

### ***Challenge of Abandoned Coal Mines***

There are currently over 5,000 abandoned coal mines across the country.<sup>i</sup> According to the Office of Surface Mining Reclamation and Enforcement, it will cost at least \$10 billion to reclaim the remaining high priority abandoned mines across the country.<sup>ii</sup>

These abandoned mines pose a clear threat to the environment, public health and safety, and wildlife in these regions. Millions of Americans live less than a mile from an abandoned coal

mine.<sup>iii</sup> These abandoned mines pose a threat to public safety and the environment in the form of dangerous mine openings, landslides, the collapse of exposed highwalls, mine fires, and subsidence caused by the deterioration of underground mines.<sup>iv</sup>

These sites contaminate groundwater and discharge acid into waterways.<sup>v</sup> Surface runoff can carry contaminants and debris down-stream, and can cause stream clogging and sedimentation.<sup>vi</sup> Highly acidic water rich in metals, caused by the abandoned mines, can also lower the pH of surrounding surface water.<sup>vii</sup> In these areas, there is often a decrease in the fish population and available fish may pose significant uptake of contaminants when consumed.<sup>viii</sup> Abandoned coal mines may also cause air pollution issues, particularly in Western states, and result in exposure of toxics like arsenic, lead, and radionuclides.<sup>ix</sup>

At the same time, we are seeing economic challenges in many of these same communities. Because of our technological advancements, we are now powering more and more of the nation with cleaner, cheaper energy. This shift is impacting the coal communities that kept the lights on for so long. For generations, coal-dependent areas—reliant on coal mining or coal-based electric power generation plants—have built their economies around coal, not only for the employment of their citizens, but for the revenue that supports their schools, infrastructure, and small businesses. As demand for coal decreases, these communities face a scary and uncertain future.

### ***The Abandoned Mine Land (AML) Program is Critical***

The reclamation of abandoned mines is a key opportunity to address these interconnected crises in coal communities. Reclamation not only remediates the host of environmental and public health problems associated with abandoned mines, it also frees up that land for new, more sustainable economic development opportunities in industry sectors such agriculture, recreational tourism, manufacturing, and even clean energy production. It also creates immediate job opportunities doing the reclamation itself.

The AML Program, created by Congress through the Surface Mining Control and Reclamation Act (SMCRA) in 1977, addresses the legacy costs of abandoned mines through a per ton fee on current coal production.<sup>x</sup> To date, the AML program has reclaimed over \$5.7 billion worth of AML projects and nearly 800,000 acres of damaged land and water across the country.<sup>xi</sup> Over the course of its first 40 years, it eliminated over 46,000 open mine portals, reclaimed over 1,000 miles of dangerous highwalls, and protected 7.2 million people nationwide from AML hazards.<sup>xii</sup>

The AML program has also resulted in significant economic benefits, including supporting 4,761 jobs across the country and having a net impact of \$450 million on U.S. gross domestic product in fiscal year 2013. In Central Appalachian states alone that year, the program supported 1,317 jobs and delivered a value-added impact of \$102 million.<sup>xiii</sup>

While funds authorized under the bill would be used exclusively for reclamation of pre-SMCRA abandoned coal mines, reclaimed mine lands and the areas surrounding them have great potential to be reused as sites for new economic endeavors. Across the country, abandoned mine sites have been leveraged to create jobs through sustained revitalization efforts, wildlife habitat and restoration, and water quality improvement and spur new economic opportunities in these communities. For example:

- In Mingo County, West Virginia, a sustainable agriculture facility is being constructed on a reclaimed coal mine that will produce commercial-scale fish and vegetables for regional markets;
- Reclamation of an abandoned coal mine that had been leaking pollution into the North Branch Potomac River for decades in western Maryland paved the way for at least 13 commercial angling and whitewater boating outfitters to operate on the river, supporting more than 40 full time jobs and resulting in an economic impact of nearly \$3 million on the area;
- In Glenrock, Wyoming, a surface coal mine was converted into a 158-turbine wind farm that produces enough electricity to power 66,800 households;
- In Luzerne County, Pennsylvania, a business park was constructed on reclaimed mine land, which now employs over 4,500 people and is home to 39 companies, including Lowe's, FedEx Ground, and Men's Warehouse. While more industrial parks are not the economic solution for many rural communities, this example demonstrates that mine sites could be reclaimed for "brick and mortar" project applications like local businesses, job training facilities, and business incubators; and
- A project in Tuscarawas County, Ohio, is underway to transform a former mining site into a campground and trail system within Camp Tuscazoar's "Hidden Mine Recreation Area." The project will encourage visitors to stay in the area longer, generating more demand for secondary services. The campground is projected to generate direct revenue and contribute both directly and indirectly to the county's economy. <sup>xiv</sup>

Programs like the AML Pilot Project have helped spur projects like these. These are just a few examples that make clear that abandoned mine lands can be transformed into engines of economic opportunity, creating stronger communities and ecosystems at the same time.

We urge this committee to reauthorize the AML Program and swiftly pass H.R. 4248, the Surface Mining Control and Reclamation Act Amendments of 2019.

We also urge Congress to pass HR 2156, the Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More (RECLAIM) Act of 2019. This bill would commit \$1 billion in existing funds to clean up abandoned coal mining sites and impacted waters. Importantly, it prioritizes public input and community participation in determining which

projects are chosen and how they are implemented. It would also link the reclamation projects to economic development efforts driven by local communities. The sites could serve as long-term opportunities to create permanent local jobs, helping to lay a foundation for future economic development and diversification in coal communities.<sup>xv</sup>

### *Complementary Solutions are Needed*

In order to fully support coal communities and workers, these efforts should go hand in hand with smart policies and investments at the national, state, and local levels to ensure these communities aren't left behind. This means ensuring guaranteed pensions and a bridge of wage support, healthcare, and retirement security for affected workers while they try to find new employment or approach retirement. It also means committing to massive economic investment in deindustrialized areas, including addressing any loss of tax base for affected communities. Additionally, it means ensuring that new jobs and industries created in these communities are high-quality, family-sustaining jobs and that workers have a seat at the table.

Rates of coal workers' pneumoconiosis, or black lung disease, have hit 25-year highs across Appalachia, and in coal communities around the country, we have hit epidemic levels.<sup>xvi</sup> Miners and their widows who are able to prove they are disabled from black lung are entitled by law to modest living and medical benefits, following what can be an excruciating legal process that sometimes ends up outlasting the life of the miner. The Black Lung Disability Trust Fund pays for benefits to coal miners and their families in cases where the miner's employer has gone bankrupt or has not been found responsible. A wave of bankruptcies in the coal industry has created more pressure, but because of congressional inaction, the trust fund is in jeopardy. The Black Lung Benefits Disability Trust Fund Solvency Act (H.R. 3876) would extend the excise tax on coal from U.S. mines, which funds the Black Lung Disability Trust Fund.<sup>xvii</sup> Legislation like this is crucial to ensuring that miners are afforded the benefits they earned while providing backbreaking work to power our nation.

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Reclamation is not just about cleaning up abandoned mines; it's about helping to rebuild the communities that powered America. The benefits of the clean energy transition are wide-reaching—we can appreciate the cleaner air and cleaner waters, the good jobs in new industries—but that transition has not been a smooth one everywhere. Coal-dependent communities are struggling like never before—with high unemployment, alcohol and opioid addiction, and the disappearance of tax resources just to provide basic services to residents. When jobs and industries leave, so does the tax revenue needed to support things like schools and infrastructure maintenance. These communities are looking for a path to a brighter future. Abandoned mine reclamation is critical to tackling the environmental and public safety challenges plaguing coal communities, and can also create quality jobs and spur economic

development and diversification. H.R. 4248, the Surface Mining Control and Reclamation Act Amendments of 2019 is critical to ensure this outcome.

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<sup>i</sup> AbandonedMines.gov, About Coal Mines. Available online:

[https://www.abandonedmines.gov/about\\_coal\\_mines](https://www.abandonedmines.gov/about_coal_mines)

<sup>ii</sup> Appalachian Citizens Law Center, *Abandoned Mine Land Program: A Policy Analysis for Central Appalachia and the Nation*. July 8, 2015. Available online:

<https://appalachiancitizenslaw.files.wordpress.com/2015/07/exec-summary-abandoned-mine-reclamation.pdf>

<sup>iii</sup> Office of Surface Mining Reclamation and Enforcement (OSMRE), Reclaiming Abandoned Mine Lands. Available online: <https://www.osmre.gov/programs/aml.shtm>

<sup>iv</sup> Appalachian Citizens Law Center, *Abandoned Mine Land Program: A Policy Analysis for Central Appalachia and the Nation*. July 8, 2015. Available online:

<https://appalachiancitizenslaw.files.wordpress.com/2015/07/exec-summary-abandoned-mine-reclamation.pdf>

<sup>v</sup> Bureau of Land Management (BLM), *Abandoned Mine Lands: A Decade of Progress Reclaiming Hardrock Mines*.” September 2007. Available online:

[https://www.blm.gov/sites/blm.gov/files/uploads/AML\\_PUB\\_DecadeProgress.pdf](https://www.blm.gov/sites/blm.gov/files/uploads/AML_PUB_DecadeProgress.pdf)

<sup>vi</sup> AbandonedMines.gov, Sedimentation and Sediment Contamination. Available online:

<https://www.abandonedmines.gov/sedimentation>

<sup>vii</sup> AbandonedMines.gov, Water Pollution. Available online: <https://www.abandonedmines.gov/water-pollution>

<sup>viii</sup> AbandonedMines.gov, Health Concerns. Available online: <https://www.abandonedmines.gov/health-concerns>

<sup>ix</sup> AbandonedMines.gov, Air Pollution. Available online: <https://www.abandonedmines.gov/air-pollution>

<sup>x</sup> Appalachian Citizens Law Center, *Abandoned Mine Land Program: A Policy Analysis for Central Appalachia and the Nation*. July 8, 2015. Available online:

<https://appalachiancitizenslaw.files.wordpress.com/2015/07/exec-summary-abandoned-mine-reclamation.pdf>

<sup>xi</sup> *Ibid.*

<sup>xii</sup> Pennsylvania Department of Environmental Protection, AML Program Information: Abandoned Mine Reclamation in Pennsylvania. Available online:

<https://www.dep.pa.gov/Business/Land/Mining/AbandonedMineReclamation/AMLProgramInformation/Pages/default.aspx>

<sup>xiii</sup> Appalachian Citizens Law Center, *Abandoned Mine Land Program: A Policy Analysis for Central Appalachia and the Nation*. July 8, 2015. Available online:

<https://appalachiancitizenslaw.files.wordpress.com/2015/07/exec-summary-abandoned-mine-reclamation.pdf>

<sup>xiv</sup> *Ibid.*

<sup>xv</sup> Appalachian Voices, “RECLAIM Act back in Congress.” April 23, 2019. Available online:

<http://appvoices.org/2019/04/23/reclaim-act-back-in-congress/>

<sup>xvi</sup> Centers for Disease Control and Prevention (CDC), “Prevalence of Black Lung Continues to Increase among U.S. Coal Miners.” July 20, 2018. Available online: [cdc.gov/niosh/updates/upd-07-20-18.html](http://cdc.gov/niosh/updates/upd-07-20-18.html)

<sup>xvii</sup> Congress.gov, H.R. 3876 – Black Lung Benefits Disability Trust Fund Solvency Act. Available online: <https://www.congress.gov/bill/116th-congress/house-bill/3876>