

The Honorable Raul Grijalva  
U.S. House of Representatives  
1511 Longworth House Office Building  
Washington, DC 20515

The Honorable Bruce Westerman  
U.S. House of Representatives  
202 Cannon House Office Building  
Washington, DC 20515

The Honorable Alan Lowenthal  
U.S. House of Representatives  
108 Cannon House Office Building  
Washington, DC 20515

The Honorable Pete Stauber  
U.S. House of Representatives  
461 Cannon House Office Building  
Washington, DC 20515

June 7, 2022

Dear Chairs Raúl Grijalva and Alan Lowenthal, Ranking Members Bruce Westerman and Pete Stauber:

On behalf of the undersigned organizations, we urge you to support the RENEW Act, H.R. 7937, which establishes a new fund to support reclamation at modern-era (post-1977) coal mines, and incentivizes states and tribes to improve their coal reclamation bonding programs.

The coal industry has declined precipitously in the last 15 years, revealing inadequacies with the existing regulatory program designed to ensure that mined land is properly reclaimed. Recent coal bankruptcies have resulted in an unprecedented number of permits that have failed to transfer to new companies. Forfeited reclamation bonds have been found insufficient and companies have ultimately deserted their cleanup responsibilities.

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) was intended to ensure that all mines permitted after 1977 – even those abandoned by the operator – would be fully reclaimed. If a coal company abandons its reclamation obligations, reclamation bonds are used by the state or tribal regulatory agency to complete reclamation. However, states have implemented bonding programs that are unlikely to cover the actual remaining reclamation liability. Additionally, many mine sites have been sitting idle due to industry decline and reclamation costs are higher compared to the bonds required at the time of the initial permit as the sites have been left to degrade. Specifically, Central Appalachian coal mining states currently have approximately \$3.84 billion in bonds for reclamation, but total remaining reclamation costs in the region are estimated to be between \$7.5-\$9.8 billion in these states alone. Given the rapid decline of the industry, we are facing a new wave of unreclaimed mines, presenting an enormous risk to human health and safety and the economy in the coalfields.

The RENEW Act seeks to address the shortfall between currently available funds designated for the reclamation of coal mines abandoned under SMCRA, and the actual cost of completing this reclamation. This legislation recognizes that the coal industry cannot be held accountable to provide additional funds for the permits that have already been turned over to the state but that there are steps that state programs can take to reduce the shortfalls in the future. The legislation is necessary to ensure that the communities who have already suffered from their proximity to active coal mines will not also have to live with the dangerous legacy of abandoned coal mines, and to create employment opportunities that draw on the unique skill sets of unemployed coal miners. The fund is distinct from funding for “abandoned mine land” (AML) reclamation, which only applies to coal mines abandoned prior to 1977, but may potentially augment the mine land remediation workforce opportunities created by the Bipartisan Infrastructure Law

The bill:

- Appropriates \$386 million per year to OSMRE to establish a grant program for states to apply for funding to cover the reclamation bond shortfall for coal mines that were permitted under SMCRA and subsequently forfeited such that the state/tribal regulator is now responsible for completing reclamation. In other words, funds are not available to mine operators, or for mines where an operating coal company is still responsible for reclamation.
- Allows states to apply annually based on their projected annual shortfall.
- In order to be eligible to receive the funds, requires:
  - states/tribal programs to demonstrate active steps to improve reclamation bonding programs and to recover reclamation costs from responsible parties.
  - state/tribal programs to aggregate reclamation projects to improve economies of scale, and have committed to paying prevailing wages.
  - state/tribal programs to actively engage the community in the design and oversight of reclamation projects.

We urge Congress to pass the RENEW Act in order to protect communities from further environmental and economic harm.

Sincerely,

American Friends Service Committee (West Virginia)

Appalachian Citizens' Law Center, Inc.

Appalachian Land Study Collective

Appalachian Voices

Appalshop

Black Warrior Riverkeeper (Alabama)

Breathe Project (Pennsylvania)

Bronx Jews for Climate Action  
Center for Coalfield Justice (Pennsylvania)  
Clearfork Community Institute (Tennessee)  
Coal River Mountain Watch (West Virginia)  
Dunkard Creek Watershed Assn., Inc. (West Virginia)  
Earth Action, Inc. (National)  
Eco-Justice Collaborative (Illinois)  
Eastern Pennsylvania Coalition for Abandoned Mine Reclamation  
Friends For Environmental Justice (Appalachia)  
Friends of the Earth US  
Gesundheit Institute (West Virginia)  
Kentuckians For The Commonwealth  
Kentucky Conservation Committee  
Kentucky Resources Council  
Livelihoods Knowledge Exchange Network, Inc. (Appalachia)  
Mountain Association (Kentucky)  
PA Jewish Earth Alliance  
Pennsylvania Council of Churches  
Prairie Rivers Network (Illinois)  
ReImagine Appalachia  
Sierra Club  
Statewide Organizing for Community eMpowerment (Tennessee)  
The Alliance for Appalachia  
Virginia Organizing  
West Virginia Council of Churches  
Woodland Community Land Trust (Tennessee)