

January 29, 2024

Representative Bruce Westerman  
Chair, Natural Resources Committee  
House of Representatives  
1324 Longworth House Office Building  
Washington, D.C.  
20515

Representative Raúl Grijalva  
Ranking Member, Natural Resources Committee  
House of Representatives  
1324 Longworth House Office Building  
Washington, D.C.  
20515

Dear Chair Westerman, Ranking Member Grijalva, and Members of the House Committee on Natural Resources,

The undersigned organizations are writing on behalf of our millions of members across the country to express our support for reforming hardrock mineral extraction standards in the United States to better protect communities and the environment. Simultaneously, we write to express serious concerns about the Mining Clarity Regulatory Act, which represents an unprecedented, de facto giveaway of America's cherished public lands to mining corporations, upending and reversing over one hundred years of public land law precedent.

As organizations advocating for a zero-emission transportation future, we know that electrifying the vehicle fleet is an essential strategy to reducing fossil fuel emissions and addressing the climate crisis. Electric vehicles (EVs) also eliminate tailpipe emissions of harmful air pollutants that cause asthma and respiratory diseases, especially among Black, Indigenous, and other communities of color.<sup>1</sup> However, without adequate protections for workers, communities, and environments near mining and processing sites, we risk replicating the harms of fossil fuel extraction. The United States must commit to protecting people, communities, and special places as it pursues the clean energy transition.

Mining for hardrock minerals—the group of subterranean resources that include those necessary for EV batteries, including lithium, nickel, copper, and cobalt—is an extremely disruptive and harmful industry. In fact, metals mining is the U.S.' most toxic industry, according to the Environmental Protection Agency (EPA), responsible for 45% of toxics releases to air, water, and soil in 2020.<sup>2</sup> Modern mining uses highly specialized equipment to move billions of tons of soil, redirect rivers, and permanently alter landscapes. Mining generates an incredible amount of toxic waste, including tailings and perpetual acid drainage, which cause hazards to human and environmental health and must be sequestered and monitored, often for centuries.<sup>3</sup> Tailings spills

---

<sup>1</sup> US EPA, O. (2021, September 20). Study Finds Exposure to Air Pollution Higher for People of Color Regardless of Region or Income [Overviews and Factsheets]. <https://www.epa.gov/sciencematters/study-finds-exposure-air-pollution-higher-people-color-regardless-region-or-income>

<sup>2</sup> Toxics Release Inventory—What is it? (n.d.). Earthworks. Retrieved May 19, 2023, from <https://earthworks.org/issues/toxics-release-inventory-what-is-it/>

<sup>3</sup> Safety First: Guidelines for Responsible Mine Tailings Management. (2022, May 31). Earthworks. <https://earthworks.org/resources/safety-first/>

are increasing in frequency and severity around the world.<sup>4</sup> Despite the potential for harm, mining is governed by a 151 year old statute from the U.S.'s initial settlement and colonization of the West. Given the projected increase in mining activity to source the rapid buildout of electric vehicles and renewable energy, we need to update our mining laws and rules to protect workers, communities, and the environment with the highest possible standards.

Indigenous communities are particularly vulnerable, since 97% of nickel, 89% of copper, 79% of lithium and 68% of cobalt reserves and resources in the U.S. are located within 35 miles of Native American reservations.<sup>5</sup> Expanding mining under our current mining law—passed in 1872—puts Indigenous communities at risk and perpetuates current and historic injustices.

There are many acts the United States government can take to ensure this transition is actually just and does not harm Indigenous and other mining-affected communities, including:

- Congress and the Administration can move to reform the 1872 Mining Law and the implementing rules to ensure mining companies are held to the highest environmental, human rights, and labor standards. Mining reform should allow for better oversight of mines to ensure compliance with standards, protection of sensitive ecosystems, and cleanup of old mine sites.
- Congress and the Administration can take action to build a robust circular economy to reduce the need for virgin material extraction and increase the supply of more responsibly sourced materials.
- The Administration can uphold Indigenous peoples' right to Free, Prior, and Informed Consent, as guaranteed by the United Nations Declaration on the Rights of Indigenous Peoples.
- The Administration can promote the use of robust community benefits agreements and other due diligence mechanisms that protect communities from environmental harm and ensure that workers have safe, high road jobs and a free and fair chance to join a union and collectively bargain.

As advocates committed to a healthier future, we support a truly just transition to clean transportation that does not come at the expense of Indigenous communities or the environment. We believe that it is possible to address climate change and reduce transportation emissions through vehicle electrification while protecting communities and the environment. However, the Mining Clarity Reform Act, which would give the mining industry the power to dictate how we use our public lands, does none of these things. We urge Congress and the Administration to take swift action to reform our mining laws and build a circular economy.

Sincerely,

---

<sup>4</sup> Protecting Communities from Tailings Disasters. (n.d.). Earthworks. Retrieved May 19, 2023, from <https://earthworks.org/issues/protecting-communities-from-tailings-disasters/>

<sup>5</sup> Mining Energy-Transition Metals: National Aims, Local Conflicts. (2021, June 3). <https://www.msci.com/www/blog-posts/mining-energy-transition-metals/02531033947>

Center for Biological Diversity  
Climate Reality Chicago Metro  
Earthjustice  
Earthworks  
Ecology Center  
Environmental Working Group (EWG)  
EVHybridNoire  
GreenLatinos  
Hip Hop Caucus  
IL Environmental Council  
Interfaith Power & Light  
League of Conservation Voters (LCV)  
MI Air MI Health  
Natural Resources Defense Council  
Plug In America  
Public Citizen  
Sierra Club  
Southwest Detroit Environmental Vision  
United Women in Faith  
Warehouse Workers for Justice  
WE ACT for Environmental Justice