

Chairman Alan S. Lowenthal
Energy and Mineral Resources Subcommittee Legislative Hearing:

**Abandoned Mine Land Reclamation: Innovative Approaches and Economic
Development Opportunities**
March 28, 2019

The Subcommittee on Energy and Mineral Resources will come to order.

The Subcommittee is meeting today to hear testimony on innovative approaches to abandoned mine land reclamation and the economic development opportunities that reclamation can provide, and on H.R. 315, Mr. LaHood's Community Reclamation Partnerships Act.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member or their designees.

I ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Subcommittee Clerk by 5:00 pm today. [*pause*] Hearing no objection, so ordered.

I also ask unanimous consent for Congressman LaHood and Congressman Thompson to sit on the dais and participate in this morning's hearing. [*pause*] Hearing no objection, so ordered.

To begin, I want to emphasize the bipartisan nature of this hearing, and thank Ranking Member Gosar for working with us on this hearing and on several bills on this topic last Congress. I hope we can continue to work together to make cleaning up abandoned mines a priority in this Congress.

The Abandoned Mine Land program was enacted because the American people agree on a basic principle that polluters should pay. The coal industry, not the American people, must pay for its legacy of pollution.

For centuries, the coal industry extracted profit and ignored the pollution they left behind: mountains of waste rock, webs of unstable mine shafts, rivers turned orange with acid mine drainage. The industry didn't have to answer for any of it.

But the enactment of the A-M-L program meant the coal industry would pay a small fee that would be used to clean up its mess.

Over forty years later, the cleanup is far from done. There are still over 10 billion dollars' worth of abandoned coal mine sites waiting to be addressed, and the fees being paid by the coal industry to clean up those sites expire in two years.

Two years is not enough time to finish cleaning up centuries of pollution.

The coal industry says it can no longer afford the A-M-L fee –that it is unfair because the industry reclaims mines now - that the market has declined too much. But these objections don't stop the industry from paying enormous bonuses to executives¹.

When the coal industry says it can't afford the reauthorization of the A-M-L fee, that means the costs fall on the people it left behind.

Dealing with polluted water they can't drink, suffering from diseases that shorten the quality and length of their lives, and who live in towns that are desperate for new economic opportunities.

Coal is not coming back. Workers and communities who are being hit hard by the decline of coal need new jobs and diversified economies, and they need them now.

¹ Cloud Peak Energy is on the brink of bankruptcy, but their CEO will receive a bonus of 150% of his annual salary (other executives will receive something similar). This is not the only example. In the year leading up to Westmoreland's bankruptcy in October of 2018, their CFO received \$1.2 million in bonuses

Abandoned Mine Land reclamation projects can improve the environment and protect public health while providing jobs and leading to economic development opportunities.

Through the A-M-L Pilot Program, we've already seen evidence that this strategy can work. I look forward to hearing some of those success stories today.

The same idea is behind the RECLAIM Act: that idea that we can accelerate the cleanup of A-M-L sites while promoting long-term community and economic development.

We moved the RECLAIM Act through this Committee last Congress on a bipartisan basis, and while it hasn't been reintroduced yet, I understand that is coming soon, and hopefully we will have the same success in this committee.

Another bill we moved in a bipartisan manner last Congress is the Community Reclamation Partnerships Act, which allows third-party organizations to use their own funds to clean up watersheds while protecting those Good Samaritans from liability under the Clean Water Act.

There's no question that the ideas in RECLAIM and C-R-P-A can jump-start economies and speed watershed cleanup, but we will never finish cleaning up all these abandoned mines if we don't reauthorize the A-M-L fee.

Mining companies must continue to pay their share to clean up the pollution left behind by their industry. Volunteer efforts, such as those supported by the C-R-P-A, are important and helpful, but are not nearly enough to address the remaining inventory of abandoned mine lands.

It took about five years to negotiate the last reauthorization, so even two and a half years in advance is not too early to begin this discussion.

With that, I look forward to the testimony from our witnesses, and I now recognize Ranking Member Gosar for his opening statement.