

U.S. HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE

CHAIRMAN DOC HASTINGS

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Subpoena Issued for Documents on the Obama Administration's Rewrite of a Coal Production Regulation

Chairman Hastings: *"The Administration's rewrite could have dramatic ramifications for American jobs and energy production"*

WASHINGTON, D.C. – House Natural Resources Committee Chairman Doc Hastings (WA-04) today issued the first subpoena to the Department of the Interior for documents related to the Committee's more than year-long investigation into the Obama Administration's rewrite of a coal production regulation, the 2008 Stream Buffer Zone Rule. The specific documents included in the subpoena will provide further information on why the Interior Department decided to rewrite this regulation and how the process to rewrite the Rule is being managed.

The first subpoena on the Rule rewrite seeks a portion of the documents previously requested from the Interior Department, most recently in a [letter](#) from January 25, 2012. The specific documents sought in the subpoena include:

1. All recordings, and complete and unredacted transcripts of recordings, of meetings between the Department and contractors regarding the rewrite of the rule. This includes, but is not limited to, the known 43 digital audio recordings totaling approximately 30 hours.
2. Complete and unredacted versions of email communications previously provided to the Committee and documents reviewed by Committee staff *in camera*.
3. All documents related to the development of the Advanced Notice of Proposed Rulemaking and Notice of Intent to prepare a Supplemental Environmental Impact Statement for the coal production regulation.
4. Complete drafts of the Environmental Impact Statement and the Regulatory Impact Analysis as of January 31, 2011 for the Administration's rewrite of the coal production regulation.
5. Complete current drafts of the Environmental Impact Statement and the Regulatory Impact Analysis for the Administration's rewrite of the coal production rule, as well as versions created since January 31, 2011.

The subpoena deadline is April 12, 2012 at 12:00PM. The subset of documents included in this first subpoena are distinct and narrowly focused, which is intended to allow the Department to produce them promptly. Additional categories of documents, not included in this subpoena but previously requested as far back as February of 2011, that are broader in scope and will likely produce a greater volume of responsive material are anticipated to be sought in the near future.

“The Obama Administration’s many attacks on coal as a low-cost American energy source are very clear, but they’ve refused to disclose information detailing their decisions and actions to rewrite this rule governing coal production. After more than a year of patiently requesting cooperation and documents from the Department of the Interior, a subpoena is now needed to force them to live up to the President’s own transparency promises,” said Natural Resources Committee Chairman Doc Hastings. “The Administration’s rewrite could have dramatic ramifications for American jobs and energy production with many coal mines being forced to close and thousands of miners put out of work. A news report uncovered calculations by those hired by the government to conduct the rewrite that reveal it would cause over 7,000 lost mining jobs and economic harm in 22 states. This first subpoena is focused on specific documents and materials that are readily available to the Department and will take minimal time and effort to produce.”

Background:

Almost immediately after taking office, the Obama Administration initiated a rewrite of the completed 2008 Stream Buffer Zone Rule that took over five years of environmental analysis and millions of dollars to complete.

Despite the fact that a thorough Environmental Impact Statement (EIS) was conducted for the 2008 Rule, OSM decided to complete an entirely new EIS. An [Associated Press](#) story revealed that this draft EIS estimated that the Obama Administration’s regulation could cost over 7,000 mining jobs and cause economic harm in 22 states. Shortly after this information was made public, the Obama Administration criticized and dismissed the contractor it had selected to write the EIS.

The Committee is examining serious questions regarding why this rewrite was initiated, how the rulemaking process is being managed, whether political implications are unduly influencing the process, the hiring and dismissal of the contractor, and the impacts the rewritten regulation would have on jobs, the economy, and coal and energy production in America.

For more information visit, <http://naturalresources.house.gov/oversight/coalregs>

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