



HAL QUINN
President & CEO

September 8, 2015

The Honorable Rob Bishop
Chairman, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

On behalf of National Mining Association, I'm writing in support of H.R.1644, "Supporting Transparent Regulatory and Environmental Actions in Mining Act," or the "STREAM Act."

The Office of Surface Mining Reclamation and Enforcement's (OSM) so-called Stream Protection Rule (SPR) is a proposal in search of a problem. As I explained in my testimony before the committee on May 14, OSM has failed repeatedly to provide a reasoned explanation for undertaking what has become the largest single rewrite of the Surface Mining Control and Reclamation Act's (SMCRA) regulatory program. The proposal, which OSM initially called a minor clarification, has morphed into "a comprehensive, nationally applicable rule" changing or adding more than 475 regulations.

OSM's most recent claim that the rule is necessitated by new science is belied by the agency's earlier statements. When OSM embarked upon this regulatory rewrite, it dismissed questions about the need and purpose for a new rule with the following response: "We already decided to change the rule following the change in administration on January 20, 2009." *75 Fed. Reg.* 34,667 (June 18, 2010). Moreover, OSM's latest explanation is contradicted by its own reports showing that 90 percent of all mining operations are free of any offsite impacts. In many states, 100 percent are free of offsite impacts. New politics, rather than new science, serve as the motivation for this unnecessary, unreasoned and harmful proposal.

Perhaps the states' and the industry's exemplary performance explains why most of the proposal is dedicated to coopting the missions and programs of federal and state agencies under other laws that apply to coal mining operations. No doubt this performance contributed to OSM's decision to shut out the states from any consultation

on the need, purpose or content of the proposal, notwithstanding commitments made in agreements under the National Environmental Policy Act. Frankly, the proposal openly defies President Obama's Executive Order 13563 requiring reasoned determinations on the need and purpose for new rules and the avoidance of redundant, inconsistent or overlapping regulatory requirements.

An analysis of an earlier—and more modest—draft rule found it would put as many as 80,000 coal miners at risk of losing their jobs and sterilize as much as 40 percent of recoverable coal reserves. This proposal would add to the misery already inflicted upon our coal communities that have lost more than 40,000 coal mining jobs since 2011—the year the Environmental Protection Agency issued power plant regulations struck down recently by the U.S. Supreme Court. Those rules, like OSM's proposal, exhibited plain indifference to the consequences of unbalanced policies by imposing costs of \$1,600 in exchange for every \$1 in speculative benefits.

The "STREAM Act" provides a measured response to OSM's rampant regulatory excess. The National Mining Association commends Rep. Alex Mooney, the co-sponsors and the Natural Resources Committee for advancing this legislation that would restore balance and save many high-wage jobs so vital to our coal communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Quinn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Hal Quinn