



January 16, 2024

The Honorable Tom Carper
Chair
Senate Environment & Public Works Committee
United States Senate
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member
Senate Environment & Public Works Committee
United States Senate
Washington, D.C. 20510

RE: The Women's Mining Coalition Offers its Strong Support for the *Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (S.2781)*

Dear Chairman Carper and Ranking Member Moore Capito:

The Women's Mining Coalition (WMC) appreciates this opportunity to express our full support for the *Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024, (S.2781)*. We are pleased that the Senate Environment & Public Works Committee (EPW) is holding this important business meeting and believe this important bill deserves the Committee's enthusiastic support.

For nearly three decades, WMC, working in conjunction with the U.S. mining industry, has advocated for bipartisan legislation to enable Abandoned Mine Lands (AML) reclamation by addressing the Clean Water Act and Superfund liability issues that are a serious barrier to third-party Good Samaritan AML cleanup efforts. Nearly all AML sites with environmental challenges were created decades before the enactment of the country's environmental protection statutory and regulatory framework. Consequently, finding a legislative solution to clean up these sites is imperative; S. 2781 is the necessary solution.

Based on WMC's three decades of expertise with AML policy issues, we have long recognized the legal impediments to voluntary cleanup of AMLs, especially those sites where there are complex surface water and groundwater contamination issues due to contact with mine waste and/or seepage from old mine workings. There is widespread agreement among policymakers and independent researchers regarding the need to enact Good Samaritan liability relief to address the AML problem. Groups like the National Academy of Sciences/National Research Council and the Western Governors' Association have repeatedly urged Congress to enact legislation that eliminates the liability exposure that currently discourages parties that have no previous involvement with a mine from undertaking voluntary reclamation and remediation activities.

Since 2021, Congress has enacted two laws whose successful implementation relies, in part, on removing the barriers to Good Samaritan AML remediation. First, Section 40704 of the Infrastructure

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Investment and Jobs Act of 2021 (also known as the Bipartisan Infrastructure Law) established a new abandoned hardrock mine reclamation fund to jumpstart abandoned mine cleanups. Yet liability issues provide a significant barrier to public-private partnerships in this new program. By passing Good Samaritan legislation, Congress can begin to remove these barriers, which will fully capitalize on the Section 40704 AML reclamation funding provision and maximize the value of the public's investment in AML remediation.

Second, the Inflation Reduction Act of 2022 ties tax credits for EVs to ambitious domestic critical mineral production percentages that must be achieved to qualify a vehicle and its battery for the credit. By 2027, the minimum domestic critical minerals percentage escalates to 80 percent. Producing critical minerals from AML sources is one way to increase the domestic critical mineral supply chain to help satisfy the IRA's EV tax credit qualification criteria.

More recently, in September 2023, the Interagency Working Group (IWG), under the Department of the Interior's leadership, published its report entitled "Recommendations to Improve Mining on Public Lands" that explicitly recommends that Congress enact Good Samaritan AML remediation legislation. The IWG report includes statements from several entities that specifically endorse S. 3571, the 2022 predecessor to S. 2781.

The WMC thus strongly supports S.2781 and applauds Senators Risch and Heinrich for their vision and leadership in introducing this important bill. We also appreciate the many bipartisan co-sponsors of S. 2781 and respectfully ask all EPW committee members to support S. 2781.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Hendrickson", with a long horizontal line extending to the right.

Emily Hendrickson
President

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