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**From:** Paul Balsarak [pbalsarak@steel.org]  
**Sent:** 8/17/2017 2:47:09 PM  
**To:** Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]  
**Subject:** FW: 42 Members of Congress Call on EPA to Scrap CERCLA Rule  
**Attachments:** 2017 08 08 Klobuchar-Franken CERCLA Letter.pdf; EPA - Reps. Nolan & Bergman - CERCLA108(b) Iron Ore Letter\_170731.pdf

Hi Byron,

Attached are two letters from congressional representatives of the iron ore mining districts in Minnesota and Michigan to EPA. Also, below please find a another letter submitted by a coalition of congressional representatives requesting EPA to take no action. You may have already seen these, but wanted to make sure.

Hope all is well.

Paul

**Paul Balsarak**  
Vice President, Environment

American Iron and Steel Institute  
25 Massachusetts Ave. NW, Suite 800  
Washington, DC 20001

**Ex. 6**

(office)  
(mobile)



**For Immediate Release**  
Contact: Tanner Hanson

**Date:** July 31, 2017  
[Tanner.Hanson@mail.house.gov](mailto:Tanner.Hanson@mail.house.gov)

## **42 Members of Congress Call on EPA to Scrap Obama-era CERCLA Rule**



**WASHINGTON, D.C.** – Today, Congressional Western Caucus **Chairman Paul A. Gosar D.D.S. (AZ-04)**, Western Caucus Members **Congressman Trent Franks (AZ-08)** and **Congressman Andy Biggs (AZ-05)**, and the **National Mining Association** released the following statements after 42 Members of Congress sent a letter to EPA Administrator Scott Pruitt urging him to scrap the Obama Administration’s burdensome new financial requirements for the hardrock mining (HRM) industry in the form of the proposed CERCLA Rule:

“The Left continues to go after any industry they can get their hands on. They suffocate hard-working American industries with excessive regulations and financial burdens – all in the name of serving the planet instead of its people. These punitive regulatory actions needlessly damage American families and jobs. We must continue to roll-back Obama-era regulations and get our country back on track,” said **Congressman Franks**.

“Imposing billions of dollars in new financial costs on job creators in rural communities in order to enact duplicative government mandates defies common sense,” **Chairman Gosar** said. “The Obama CERCLA rule is a solution in search of a problem. Like many of the previous administration’s senseless regulations, this misguided proposal was concocted to kill jobs in the mining industry and pander to the “Keep It in the Ground” extremists. I am hopeful that Administrator Pruitt and the Trump Administration will heed our call and scrap this fundamentally flawed, duplicative and unnecessary rule that usurps states’ rights.”

**Congressman Biggs** stated, “The Obama-era CERCLA rule is a burdensome regulation that nefariously targets our nation’s mining industry, inserting unwelcome federal bureaucracy where it did not belong. Unsurprisingly, radical environmentalist groups, with the help of the Obama administration, took advantage of CERCLA and other regulatory obstructions to wreak havoc on this industry for the past eight years. That undue influence stops now. I am pleased to join more than 40 of my colleagues in this call to undo the previous administration’s job-killing agenda. I hope President Trump’s administration continues to reset the regulatory climate in our nation.”

“EPA’s proposal is wholly without merit. To conclude that today’s mining industry presents the level of risk that justifies an expansive, costly and duplicative regulation, EPA had to ignore modern mining practices, existing state and federal environmental, reclamation and financial assurance requirements, and a sensible reading of the law. NMA is grateful to our allies in

Congress who have pushed back against this duplicative and dangerous rulemaking,” said the **National Mining Association**.

**Background:**

Today, 42 Members of the House signed and sent a letter to U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt urging him to scrap the Obama Administration’s burdensome new financial requirements for the hardrock mining (HRM) industry in the form of the proposed CERCLA Rule. To read the full signed letter click [HERE](#).

The proposed rule was published in the lame duck on January 11, 2017 and in the twilight of the Obama Administration’s regulatory authority.

The proposed regulation is duplicative of existing state programs and federal financial assurance obligations for the HRM industry. It therefore does not accomplish anything additionally meritorious in the area of financial assurance for the aforementioned companies, while imposing extensive compliance costs on state governments and mining companies.

The letter signers state that EPA’s assessment of the HRM industry failed to appropriately account for the comprehensive federal and state programs and associated financial assurance safeguards already in place. Such programs ensure that all phases of mining, reclamation, closure and post-closure are designed and operated to provide protection against the very same risks EPA seeks to address in the rule. As a further consequence, if EPA finalizes this rule as proposed, it will usurp states’ regulatory purview. The complexity of this industry and its variability across states makes it suited for even more state oversight—not less, as the rule as proposed would force.

Because the new requirements are duplicative, they present no additional environmental benefit.

The letter also makes clear that the totality of available evidence and study shows that the Obama Administration’s rule would have devastating economic consequences for companies, the families they support, and the states and localities to which they provide revenues. The industry in question provides more than 1.2 million jobs and generates approximately \$3 trillion in added value to our nation’s gross domestic product (GDP).

Agency *and* private analysis of the redundant rule both show its requirements would result in significant economic damage to this important industry.

EPA’s Regulatory Impact Analysis estimates that the rule will impose \$7.1 billion in new financial responsibility obligations on the HRM industry. According to EPA’s data, the proposed rule will require HRM facilities to incur \$171 million per year in new financial responsibility costs, while only saving the government \$15.5 million per year.

Analyses conducted by affected industries include more comprehensive considerations and detailed assumptions derived from knowledge of industry operations. Such analyses estimate the cost of this new federal program to be significantly higher than EPA’s already-crippling projections.

On July 20, 2017 Bret Parke, Deputy Director of the Arizona Department of Environmental Quality, testified on the proposed CERCLA rule before the House Committee on Natural Resources Subcommittee on Energy and Mineral Resources. In his testimony, Deputy Director Parke stated:

*“ADEQ recently conducted a financial screening analysis modeled under the proposed rule based on an EPA-provided example that suggests the financial impacts to Arizona mines could be extreme: totaling \$1.8 billion in additional financial responsibility for just the two Arizona mines. This is an extraordinarily high financial burden on mine operators, and the state and its citizens that is not warranted, given the lack of evidence to support EPA’s assertion that the proposed rule would yield an environmental benefit.”*

*“The CERCLA 108(b) proposed rule on which I have provided testimony on today, is largely duplicative and fails to recognize the complexities of our existing regulatory and environmental ecosystem. If enacted, the proposed rule will yield significant negative economic and state program impacts in Arizona. It will also have an outsized effect on the limited number states with hardrock mining, and the generally rural communities in which they exist. As a result, we strongly encourage EPA to withdraw the proposed rule.”*

\* \* \*

**The letter was endorsed by:** American Exploration & Mining Association, Industrial Minerals Association – North America, National Mining Association, Arizona Mining Association, Colorado Mining Association, Idaho Mining Association, MiningMinnesota, Montana Mining Association, Utah Mining Association.

**Letter cosigners (42):** Representatives Amodei, Babin, Biggs, Rob Bishop, Brat, Buck, Cheney, Cook, Cramer, Jeff Duncan, Emmer, Flores, Franks, Gianforte, Gibbs, Gosar, H. Morgan Griffith, Hice, Bill Johnson, Mike Johnson, Jones, King, Labrador, LaMalfa, Lamborn, Love, Marshall, McClintock, McKinley, McMorris Rodgers, Mooney, Tim Murphy, Palmer, Pearce, Schweikert, Simpson, Jason Smith, Stewart, Tipton, David G. Valadao, Yoho and Don Young.

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