

1872 Mining Law Reform and Biden Administration Regulatory Reforms

OVERVIEW:

It's time to end our reliance on dirty fossil fuels that are exacerbating the climate crisis and sickening our communities. A clean energy transition isn't just a suggestion, it's a necessity. With critical minerals demand rising to power the new technologies of the clean energy economy, we must ensure that our critical mineral supply chains are sustainable, secure, and held to the highest environmental, equity, and human rights standards. Reforming the 1872 Mining Law that has governed hardrock mining for 150 years is critical to ensuring that any minerals sourced through mining are done in the most sustainable way possible.

The 1872 Mining Law governs hardrock mining on 350 million acres of public land, mostly in the West and Alaska: over 15% of the total land mass of the United States. The outdated law was designed to “settle” the West, in part to evict the Indigenous peoples already living there for tens of thousands of years. 150 years later, our mining laws still give the industry a sweetheart deal at the expense of Indigenous rights, conservation, recreation and tourism, drinking water supplies, and other important land uses.

Congressional champions Rep. Raúl Grijalva of Arizona and Senator Martin Heinrich of New Mexico are poised to introduce legislation around the law's 150-year birthday in May that would bring U.S. mining law into the 21st Century. Additionally, the Biden Administration has announced the formation of an interagency working group to begin the process of reforming mining regulations on public lands.

MINING REFORM GOALS:

- **Protect Treasured Places:** Some places simply should not be mined. The current law leaves iconic American heritage sites and Indigenous sacred sites at risk. The Cabinet Mountain Wilderness Area in Montana, Santa Rita Mountains in Arizona, and the Grand Canyon could all be damaged by mineral development. The reformed law must give land managers the ability to choose competing land uses over a potential mining operation that may damage other important resources.
- **Adequate Environmental Standards:** Loose regulations allow foreign mining companies to dig riches out of the ground, and leave the mess. Too often, taxpayers – not the polluters – are paying for cleanup. Mining companies need to be held responsible for their pollution to protect drinking water and save taxpayer dollars. Large-scale mines often create pollution that lasts forever. The mining industry needs industry-specific environmental standards.
- **Fiscal Reforms:** Reform must also include a fair financial return to the taxpayer in the form of a royalty and reclamation fee on the mining industry.
- **Inspection, Enforcement, and Bonding Provisions:** Laws are only as good as their enforcement. A reformed mining law must require frequent inspections and the authority to impose violations, penalties, and deny new mining permits to operators with outstanding

violations. The law must require reclamation bonds at levels that ensure complete reclamation if operators fail to carry out their responsibilities.

- **Abandoned Mine Land Fund:** Currently, there is no independent dedicated funding source for abandoned hardrock mine reclamation. The abandoned mines that litter the Western United States threaten both public safety and precious water resources. An abandoned mine land fund, paid for by the mining industry, is needed to clean up this toxic legacy. Over 500,000 abandoned mines litter the country with cleanup costing an estimated \$50 billion.