

United States Senate

WASHINGTON, DC 20510

October 18th, 2023

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G. St., NW
Washington, DC 20548

Dear Comptroller General Dodaro,

As demand for coal declines and domestic production has dropped 50 percent from 2008 to 2021, weakness in coal mining regulations are becoming apparent, and it is no longer clear that Surface Mining Control and Reclamation Act (SMCRA) provisions are effective or fully enforced. The original purpose of the act is to protect communities impacted by coal mining operations. Specifically, it requires operators of coal mines to (1) reclaim lands that were disturbed during mining; and (2) submit financial assurances to ensure that reclamation can be completed, if the operator does not do so.

However, some coal companies are idling mines and stalling reclamation to cut costs. Because mine operators typically rely on coal revenue to fund reclamation, the longer a mine remains idle, the greater the risk that the operator may not have sufficient funds to pay for reclamation. Further, there have been at least 68 coal company bankruptcies since 2012, drawing attention to whether financial assurances obtained by the Office of Surface Mining Reclamation and Enforcement and state agencies will be adequate to reclaim the land should the operators fail to do so. As a result, taxpayers may ultimately get stuck paying the bill.

SMCRA spreads responsibility for overseeing and regulating the coal mining industry across multiple state and federal agencies. Given this dispersion of responsibility and variation in record keeping, it is difficult to obtain a complete and accurate picture of the state of the coal mining industry as a whole. To assist us with understanding the extent to which operators are avoiding mine reclamation through long-term idling of coal mines across the country and the risks posed by inadequate financial assurances, we request that GAO examine the following:

1. Since the beginning of 2019, what is the number, location, and size (in acres) of coal permits that have neither produced coal nor made reclamation progress for a year or longer?
2. Of those permits, what percentage have resumed coal production?
3. Of those permits that have not resumed production, examining production and reclamation status prior to 2019 if needed, how long have they been unproductive? How long has it been since they made reclamation progress?
4. To what extent are the financial assurances adequate for these coal mines?
5. To what extent are SMCRA regulations effective to ensure operators reclaim idled mines in a timely manner and provide adequate financial assurances to cover reclamation costs?

Thank you for your attention to this request. If you have any questions, please contact Madeleine Marr, Legislative Assistant, at madeleine.marr@fetterman.senate.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Fetterman', with a large, stylized initial 'J' and 'F'.

John Fetterman
United States Senator