



*Jim Justice*  
*Governor of West Virginia*

June 11, 2021

Dear Member of Congress:

I am writing to you today about a matter that urgently needs your attention. Authority to collect the fee that supports the Abandoned Mine Land (“AML”) reclamation program will expire on September 30 of this year unless Congress acts to extend it. As you know, this program and the funding generated by the fees collected under it are exceptionally important to West Virginia and its citizens.

For generations, coal mined in West Virginia has provided the power our Nation needed to make the steel that helped win two World Wars, to achieve its unparalleled domestic prosperity, and to attain its position of leadership globally, resulting in greater peace and stability around the world.

But West Virginia’s contributions to America’s greatness have not come without great cost to our State. Our lands and our waters continue to feel the impact of mining’s early years before modern environmental regulations were in place. Even after working diligently for 40 years to address the impacts of past mining practices that pose the greatest hazards to our people, our Department of Environmental Protection estimates that an additional \$4.2 billion is still needed to completely eliminate the current inventory of AML hazards in West Virginia. That is the second largest inventory of any state. Obviously, funding to perform this important work for the protection of the safety and health of our people is vital and must continue.

For these reasons, I support immediate action by Congress to reauthorize the AML fee on coal production at the current rates of 28¢ per ton for surface-mined coal and 12¢ per ton for underground-mined coal for an additional 15 years. I understand that AML reauthorization legislation enjoys bipartisan support in Congress.

I urge you to take all actions necessary to ensure that this important legislation passes well in advance of September 30. No one appreciates the current economic hardships facing the coal industry more than I do, but the reduction of just a few cents per ton proposed by some in Congress will not significantly benefit the coal industry. On the other hand, this cut will have a significant, immediate, and enduring negative impact on our ability to make progress in the correction of existing AML hazards.

OFFICE OF THE GOVERNOR

Beyond the very real environmental concerns presented by the potential expiration of the authority to collect fees for the AML program, the economic impact of the AML program has been huge and should be considered. Accelerating the use of AML Trust Fund money through the existing AML program will magnify this impact. The West Virginia AML program has not only reclaimed thousands of mine hazards but has also provided thousands of West Virginia citizens with potable water and has revived hundreds of miles of rivers impacted by acid mine drainage. Each year, millions of dollars worth of contracts are issued to contractors to complete the reclamation, water treatment, and waterline projects. The jobs this work creates are particularly well-suited to the skills of our existing work force of experienced miners. Economic studies have estimated that for every \$1 spent on AML reclamation projects, \$1.59 is contributed to the economy. In addition, the West Virginia AML program has a history of working with private developers to repurpose AML sites for beneficial reuse. Just a few examples of the impact repurposing these sites can have are the Summit Bechtel Reserve in Fayetteville (home to the National Boy Scout Jamboree), the National High Adventure Base (one of four adventure bases in the country), and Beech Bottom Industrial Park near Wheeling, among many others.

Further, I am aware that other legislation related to AML funding is also pending in Congress. These bills would remove \$1 billion from the federal AML Trust Fund, which currently has a \$2.2 billion balance, and use it to create a new, separate program called RECLAIM. Under RECLAIM, utilization of these funds would be accelerated, but new criteria for project selection, including economic development, would be imposed, and with this change would also bring new layers of bureaucracy and additional requirements.

I support acceleration of utilization of the money that currently sits in the AML Trust Fund, but not through the creation of a separate RECLAIM program with the attendant bureaucracy and additional criteria that would result from this new program. We should use the AML Trust Fund money to correct AML hazards sooner rather than later, so that our citizens can reap the benefits of this work before inflation reduces the purchasing power of these dollars. Instead of establishing a new federal program for this purpose, however, it would be most beneficial and most immediately impactful to use the existing channels, which are already well understood by the industry and regulators, for correcting AML hazards.

The AML program and the fees derived under it are far too important to West Virginia to let expire. I strongly urge you to take immediate action to ensure the reauthorization of the authority to collect the fee that supports the AML reclamation program, at current rates, for an additional 15 years.

Sincerely,



Jim Justice  
Governor