

Good afternoon,

Thank you to Chairman Lowenthal, Ranking Member Gosar, and the Subcommittee for the opportunity to address H.R. 2050, the Appalachian Communities Health Emergency Act. My name is Tyler White, and I am the President of the Kentucky Coal Association. Our association represents the vast majority of the coal production in Kentucky as well as over 100 different businesses connected to coal production in Kentucky and the United States.

Over the past decade, the coal mining industry, especially in Eastern KY, was decimated. Both employment and production numbers hit an all-time low. This was caused by a number of factors but mainly by governmental overregulation.

This over-regulation led to the unemployment and economic devastation throughout Appalachia. From 2008-2018 Kentucky lost over 10,000 coal jobs in Eastern KY alone. Each direct coal job supports nearly three indirect jobs. The impact of these job losses reverberated well beyond the mines. Additionally, these were not just any jobs; they were good, high-paying jobs that provided valuable benefits to people and their families, including health insurance and access to health care. Further, these job losses shrink the local economies and tax bases of these communities, putting less money into public school systems, police departments, and emergency services.

H.R. 2050 should not be enacted.

First and foremost, the bill is an attempt to address the effects of “mountain top removal” mining, yet is drafted in such a way that it would apply all of its restrictions to any surface mining operation that uses blasting techniques in the steep slope regions of Kentucky, Tennessee, West Virginia and Virginia. This would effectively delay or halt coal production throughout Appalachia and set a staggering precedent that could affect mining nationwide.

Mountaintop Removal Mining (MTR) is a very specific type of mining, defined Section 515(c)(2) of the Surface Mining Control and Reclamation Act (SMCRA). There are very, very few current MTR operations. The definition of MTR in the bill does not describe MTR; the language describes most surface coal mining operations in the country and simply adds a geographic location in a seemingly subjective manner. Surface coal mining operations that use explosives for blasting take place across the country. This means that H.R. 2050 is arbitrarily drafted and could be implemented anywhere.

As drafted, the bill would not only prohibit the issuance of new permits, it would stop existing operations. Mining operators routinely update their permits under approved state SMCRA programs. SMCRA permits are issued for a period of five years and there is a midterm review at two and a half years. As drafted, the bill would prohibit the issuance of new permits and permit renewals until the Secretary of Health and Human Services (HHS) publishes the required determination under section 3(b) of the bill, effectively halting mining operations at these mines. And because there is no time limit on the Secretary’s determination, the Secretary could effectively end surface mining by simply refusing to make the determination.

The bill would also impair ongoing operations by requiring operators to conduct open-ended monitoring requirements included in the bill, above and beyond that which is already required under the Clean Water Act (CWA) and SMCRA. In addition to being duplicative and unnecessary, these undefined monitoring requirements would be difficult to implement and left to the discretion of the Secretary of HHS to determine their scope. The additional time and costs of these requirements could significantly slow production and, depending on the nature of the monitoring requirements, could halt operations all together.

HR 2050 calls for HHS to complete a study that has already been conducted by other entities thus duplicating previous studies which have cost taxpayers millions of dollars. After examining available studies, the National Institute of Environmental and Health Sciences concluded in July 2017 that it didn't see evidence to justify a health hazard, noting that no conclusive evidence connected mountain top mining with health effects. The review also noted that studies often failed to account for extraneous health and lifestyle effects. (Source: Systematic Review of Community Health Impacts of Mountaintop Removal Mining Abee L. Boyles\*, Robyn B. Blain, Johanna R. Rochester, Raghavendhran Avanasi, Susan B. Goldhaber, Sofie McComb, Stephanie D. Holmgren, Scott A. Masten, Kristina A. Thayer)

For \$1 million, taxpayers should expect more than "research" to identify new areas to research. Legitimate efforts to improve health and safety in and around mines should be supported and applauded, but this study was a remnant of the previous administration's spending spree to support its anti-coal bias.

Mining in these communities and mining practices in these communities have evolved greatly over the past years. The previous administration and opposition groups ignore this reality. The coal industry is repeatedly subjected to false rhetoric that current mining practices are equivalent to those in the 19<sup>th</sup>-century industrial revolution instead of the sophisticated and highly skilled industry it is today.

We in the coal industry take great pride in the work we do. Our stewardship of the environment as it pertains to our communities is of the utmost importance. It is important to understand we live in these communities and our families live in these communities and therefore we understand that we have a great responsibility to return the environment to a quality that is equal to or better than how we found it. In fact, many of our modern mines return the land and water quality to a condition better than pre-mining conditions. We conduct strenuous tests throughout all of our mining processes to make sure our workforce and communities are safe and healthy.

In closing, this is an arbitrarily written bill that will have consequences for beyond its intended scope. It is because of the reasons I've discussed in my testimony that the Kentucky Coal Association opposes House Resolution 2050. Thank you for your time, and I look forward to answering any of your questions.