



# Mining and Metallurgical Society of America

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September 27, 2022

The Honorable Jeff Merkley, Chairman  
The Honorable Roger Wicker, Ranking Member  
United States Senate Subcommittee on Chemical Safety, Waste Management, Environmental Justice  
and Regulatory Oversight  
The Honorable Tammy Duckworth, Chairman  
The Honorable Cynthia Lummis, Ranking Member  
United States Senate Subcommittee on Fisheries, Water, and Wildlife

## **S.3571, the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2022.**

I am writing on behalf of the Mining and Metallurgical Society of America (MMSA) in support of S.3571, the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2022.

Abandoned mine lands represent a significant and well known problem that poses potential visual scars, safety hazards and in some cases environmental issues, throughout the United States. It is estimated that there are potentially more than 390,000 abandoned hard rock mine features listed in federal databases, the vast majority of which are not being addressed in any manner whatsoever.

There is a strong sentiment within the mining industry that significant improvement to some of these sites can be realized through the efforts of Good Samaritans. The mining industry in particular has unique skills, experience and resources related to mine reclamation and mitigation of mining impacts that could be brought to bear in addressing abandoned mine lands. The mining industry, as represented by mining companies, contractors, professional organizations and individual professionals, is highly motivated to assist with meaningful work in mitigation of these legacy abandoned mining sites.

Unfortunately, meaningful efforts by Good Samaritans towards remediation of these sites are substantially limited or entirely prevented by concerns regarding liability risks. These include concerns that liability, such as under the Clean Water Act and CERCLA, would transfer to Good Samaritans undertaking remediation works, even though they were not responsible for the abandoned mine land site in the first place. The limits on remediation of abandoned mine land sites that these legacy liability risks cause is difficult to overstate.

S.3571 represents meaningful progress in addressing the issue by establishing a pilot program for abandoned mine lands remediation. The pilot program is limited in scope to a small number of low risk "orphaned" projects, which currently have no responsible owners or operators. The program includes

robust review of application, approval, project progress reporting and completion processes. These processes include public comment and engagement of other interested parties. No mineral exploration, processing, beneficiation or mining are allowed under the legislation. Reprocessing of materials is allowed only under certain conditions and only to help defray costs of the remediation.

Importantly S.3571 provides narrow liability exemptions for the pilot projects only if the Good Samaritan is “undertaking remediation activities identified in, carried out pursuant to, and in compliance with a Good Samaritan permit.”

This legislation represents an opportunity for all parties involved to demonstrate successful abandoned mine lands reclamation efforts under a carefully crafted pilot program that should protect and improve the environment. The MMSA strongly endorses this legislation. We thank Senators Risch and Heinrich for introducing the bill and the many bipartisan cosponsors for their support of the bill.

MMSA is a professional organization of senior-level minerals industry professionals with expertise in mining, metallurgy, geology, finance, law, and all related disciplines that support Environmental, Social, and Governance (ESG) issues in the extractives industry. Since its inception in 1908, MMSA has offered guidance on policy issues ranging from protection of workers and investors to the responsible development of mineral resources on public lands. MMSA was instrumental in the establishment of the former U.S. Bureau of Mines (USBM). MMSA continues to testify before Congress, advise government agencies, and convene multi-stakeholder forums such as the Minerals for a Green Society Symposium, the ongoing Abandoned Mine Land Summits, and a new informational webinar series on critical minerals. Videos and reports for conferences and webinars are available on the MMSA Web site at <https://www.mmsa.net>.

MMSA members are available to provide technical information and context as needed and are ready to support your pursuit of bipartisanship on policies that will ensure Made in America also means Mined in America, Processed in America, and Recycled in America.

Thank you again for the opportunity to comment on these important interrelated issues.

Sincerely,



Mick Gavrilovic  
MMSA President

*A 501(c)(6) professional organization committed to advancing scientific knowledge, fostering collaboration, and promoting responsible mineral resource development.*