

## **40 YEARS LATER: SMCRA 1977 LANDMARK U.S. COAL MINING ENVIRONMENTAL LAW STILL UNDER THREAT**

### ***States' Failure to Administer and Enforce its Regulatory Programs Undermines Congressional Intent***

**PITTSBURGH, PA AND FRANKFORT, KY///August 3, 2017///** Today marks the 40<sup>th</sup> Anniversary of the passage of the Surface Mining Control and Reclamation Act (SMCRA). It was Congress's intent in passing SMCRA in 1977 to "protect society and the environment from the adverse effects of surface coal mining operations."

The enactment of SMCRA represented a culmination of two decades of heroic efforts by citizens, grassroots organizations and national environmental groups to bring an end to abusive mining practices of the coal industry. SMCRA would not have become law without the courageous, outspoken, and unflinching advocacy of hundreds of valiant coalfield citizens and landowners who dare "speak truth to power" leading up to the enactment of the law. Because of these efforts, the Act contains more public participation rights than any other federal environmental regulatory statute.

"In the 40 years since enactment of this law, what has happened to these promises – the promises codified into SMCRA as the purposes of the Act and reflected in its long arduous legislative history?" questioned Aimee Erickson, Executive Director of the Citizens Coal Council. "In substantial measure, as experienced by coalfield citizens and coalfield communities all across the country, these promises have not been honored." Rather, they have been "honored in breach," as some might say – that is, ignored, compromised, and twisted in their implementation and interpretation.

"The 40<sup>th</sup> anniversary of the enactment of SMCRA is not a time of celebration of achievement, but rather, a somber reminder that after 40 years of implementation, and fully sixty or more years after grassroots efforts to see enacted a national program for controlling surface coal mining operations, the promises made by Congress to the people of the coalfields remain largely unkept," noted Tom FitzGerald, director of the Kentucky Resources Council.

Congress committed to coalfield communities that they would be protected from harm, that mining would be a temporary use of land, and that reclamation would closely follow the mining of coal. Though Congress intended that the choice of technology would follow, rather than dictate, environmental protection, the coal industry has over the decades systematically replaced the workforce with larger machines more indiscriminate to the terrain, and key concepts in the law have been weakened by regulatory interpretations in order to accommodate this shift.

Despite the earnest efforts by line workers for the agency over these decades, the Office of Surface Mining Reclamation and Enforcement (OSMRE) has failed to take effective action to address some of the most glaring deficiencies in the state implementation of the Act's requirements. The passage of SMCRA held out the hope that coalfield citizens would no longer have to sacrifice their fundamental rights to a safe and healthy environment in order to feed a nation's desire for "cheap" energy. On this somber anniversary, the Citizens Coal Council and Kentucky Resources Council pause to honor the sacrifices of people like Joe Begley, Ollie Combs, Jane Johnson, Dan Gibson, Harry Caudill, Everett Akers, Eula Hall, and others who risked all to protect their families and neighbors, their homeplace and their children's futures. Congress should honor them, and all of the citizens of the coalfields, by adequately funding and demanding compliance with the requirements of the 1977 law in each state and each tribal nation.

[Small sample of news articles on SMCRA over the years.](#)

## **ABOUT THE ORGANIZATIONS**

The Kentucky Resources Council, Inc. (KRC), a non-profit tax-exempt 501(c)(3) corporation, is Kentucky's only statewide organization providing environmental monitoring, and legal and strategic assistance without charge to individuals and community groups. KRC's mission is to promote livable and healthy communities, utilizing a broad array of strategies, including administrative and legislative advocacy, litigation, and education to protect both our built and natural communities from pollution and damage.

The Citizens Coal Council (CCC) a 501(c)(3), is a national network of grassroots organizations that advocates for full enforcement of the federal Surface Mining Control and Reclamation Act (SMCRA) and its delegated state programs.

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