

STATEMENT OF THE HONORABLE BENJAMIN L. CARDIN (D-MD)
February 2, 2017

THE STREAM PROTECTION RULE

Mr. President, I rise to oppose the resolution of disapproval on the Stream Protection Rule. Each Congress has an opportunity to promote having cleaner air and cleaner water. Our job description shouldn't include hollowing out the protections for clean air and clean water which previous Congresses have provided. Clean air and clean water are vital not just to human health and the environment, but to our economy, as well.

The number of premature deaths due to poor water quality affects our economy. The number of school or work days missed due to health problems affects our economy. The ability of industries to have access to clean water affects our economy.

Like many of my colleagues, I am proud to represent part of Appalachia, in the western part of Maryland. I have enjoyed skiing, hiking, and simply enjoying one of the most beautiful places in our country. Recreational activities along the Appalachian Mountains depends upon clean air and clean water. And recreation is a huge part of expanding economic opportunities in Appalachia.

Over the years, I have met with many people directly affected by the mining practice known as "mountaintop removal," and I have worked very hard to address their concerns in a bipartisan manner. For instance, in the 111th Congress, I introduced S. 696, the "Appalachia Restoration Act," with the senior Senator from Tennessee, Senator Alexander, to help protect streams and rivers.

The Stream Protection Rule updates 33-year old regulations to implement the Surface Mining Control & Reclamation Act. The update establishes clear requirements for responsible surface coal mining that will protect 6,000 miles of streams and 52,000 acres of forests over the next two decades, preserving community health and economic opportunities while meeting the Nation's energy needs.

The Stream Protection Rule includes reasonable and straightforward reforms to revise three-decades-old coal mining regulations to avoid or minimize harmful impacts on surface water, groundwater, fish, wildlife, and other natural resources. There are a number of very positive, reasonable, and economically feasible changes in the proposed Stream Protection Rule that make it an improvement over the existing regulations.

The rule incorporates the best available science, technology, and modern mining practices to safeguard communities from the long-term effects of pollution and environmental degradation that endanger public health and undermine future economic opportunities for affected communities.

The final Rule gives regulators more tools to measure whether a mine is designed to prevent damage to streams outside the permit area.

The Rule would require companies to avoid mining practices that permanently pollute streams, destroy drinking water sources, increase flood risk, and threaten forests.

It would also require companies to restore streams and return mined areas to the uses they were capable of supporting prior to mining activities, and replant these areas with native trees and vegetation, unless that would conflict with the implemented land use.

To help mining companies meet these objectives, the Rule requires testing and monitoring the condition of streams that might be affected by mining before, during, and after their operations to provide baseline data that ensures operators can detect and correct problems and restore mined areas to their previous condition.

Using the Congressional Review Act (CRA) to attack a rule that protects people and communities from harmful impacts of irresponsible coal mining operations, such as buried streams, floods and subsidence, will benefit coal companies that cut corners at the expense of the people who live in Appalachia. And if the resolution is passed, agencies will be prohibited from promulgating any other “similar” rule unless Congress passes enabling legislation.

Opponents of the Rule call it a “job killer.” That is myth. The regulatory impact analysis (RIA) for the Rule estimates that overall, employment will increase by an average of 156 full-time jobs. According to the RIA, the Rule will create more than twice as many jobs as it will eliminate by requiring operators to perform more duties for reclamation, including stream monitoring. Likewise, the impact on an average household’s monthly electricity bill is slight: just 20 cents per month.

Coal miners and their families need jobs, and they need clean water. The two aren’t mutually exclusive. What they don’t need is this attempt to gut a reasonable Rule designed to protect them from an environmental disaster, which is much more likely to occur if the Senate passes this Resolution of Disapproval.