

**Statement from Senator Martin Heinrich on S. 3571, the Good Samaritan Remediation of
Abandoned Hardrock Mines Act of 2022**

September 29, 2022

Chairman Merkley, Ranking Member Lummis, thank you for holding this hearing today on the Good Samaritan Remediation of Abandoned Hardrock Mines Act.

And thank you Senator Risch for your partnership on this important issue.

Across the country, old, abandoned hardrock mines leak heavy metals and other pollutants into waterways every day. These mines, which produced metals like lead, gold, iron, and silver, contributed vital materials to the industrial development of our nation over the last century.

But, in too many cases, the companies that operated these mines shut down, went bankrupt, or just disappeared, leaving these mine sites to pollute our lands and waters for decades. We should hold responsible parties accountable for pollution they have caused. Any company that has a historical, legal, or financial relationship to a closed mine is required by federal law to clean up that site.

But there are tens of thousands of abandoned hardrock mine sites that are truly abandoned—no person or company that was involved in the operation or ownership of the mine still exists to be held accountable to clean it up. These mines just sit there, year after year, polluting our water and destroying habitat for fish and wildlife.

One factor that keeps unrelated third parties from voluntarily cleaning up these sites is that under federal law, liability for pollution cleanup attaches to any person or entity that touches a pollution site for any purpose—even just to clean it up. This means that organizations like Trout Unlimited, who you'll hear from later this morning, are unwilling to tackle mine site cleanup even when it's a major cause of fish habitat decline, because doing so could mean huge liability for pollution that they had no role in causing.

Even state environment departments often avoid cleaning up certain types of abandoned mine sites because the liability risk is too great. We need a new approach.

The Good Samaritan Remediation of Abandoned Hardrock Mines Act would create a pilot program to allow the EPA to issue no more than 15 Good Samaritan mine cleanup permits. These permits could only be issued to third parties unrelated to the mine and the EPA would have authority to approve or deny the applicants' cleanup plan. The permits would be subject to NEPA and other environmental laws, but would relieve the permit applicants from being legally liable for the pollution that they did not cause.

This legislation has broad support, including state environment departments, tribes, mining companies, hunting and fishing groups, conservation groups, local elected officials, and many more. We have 18 bipartisan cosponsors, including several members of this committee. This

broad support comes from the fact that our communities can't wait any longer to start cleaning up this pollution.

I hope we can pass this legislation soon and let these Good Samaritans get to work cleaning up our lands and waters.