

S. 3132 IS A SOUND BEGINNING

Of the three bills being considered by the committee, S. 3126 and S. 3132 are directed toward surface mining alone, while S. 217 concerns only coal mining, both surface and underground. We believe the evidence is clear that controls are needed for surface mining of all kinds, covering a variety of minerals. Consequently, we urge the committee to take the approach embraced by S. 3126 and S. 3132.

In developing a national surface mine policy it is important that Congress not complicate its administration. S. 3126 might do so. Under its provisions both the Secretary of the Interior and the Secretary of Agriculture would be responsible for administering the program. The Secretaries acting together would establish federal standards and criteria for the reclamation of past and future surface mined areas. Together they would approve and constantly evaluate the state plans submitted for future mining operations. Finally, under S. 3126 the two Secretaries, acting individually, would divide the responsibility for technical and financial reclamation aid. In initiating a new federal program we believe that Congress should avoid such a cumbersome administrative approach.

In general The Conservation Foundation supports the approach outlined in S. 3132. Its enactment would be a significant first step toward a more comprehensive environmental protection program relating to past as well as future surface mining.

Under S. 3132 the Secretary of the Interior would cooperate with and provide matching funds for the states in the development of state plans for the regulation of future surface mining. State plan would then be submitted to the Secretary. Those meeting certain listed guidelines would be approved by the Secretary. The Secretary would devise federal regulations for states which do not submit plans, do not abide by the plans submitted, or refuse to make certain revisions deemed necessary by the Secretary.

The bill would establish an advisory group appointed by the Secretary of the Interior. It provides for injunctive relief by the Attorney General to prevent violation of federal standards, or state standards where the interstate commerce is involved. It would authorize the Secretary to conduct and promote research to carry out the purposes of the act, and would establish a Mined Lands Reclamation Fund supported by Congressional appropriations and other fees collected under the act. In addition, the bill would require other federal agencies to regulate and reclaim surface-mined areas on federal lands, provided that the standards prescribed are at least equal to the approved standards issued for the state in which the lands are located.

S. 3132 recognizes the vital role that must be played by the states in regulating surface mining. Recently Kentucky, Pennsylvania, and West Virginia have made significant statutory and regulatory advances toward more adequate environmental protection in surface mining. It should not be difficult, in view of their extensive experience, for these states to expand their laws to encompass all forms of surface mining. An examination of some of the best existing state legislation indicates that enactment of S. 3132 would create no significant legislative difficulties for these states. Indeed, states with progressive legislation should welcome the requirement that neighboring states must likewise maintain high conservation standards, thus ensuring that there will be no competitive disadvantage resulting from conservation practices.

In requiring state standards and plans for future surface mining operations, the bill follows the general pattern of recent air and water pollution control legislation—that is, the states have the initial opportunity and responsibility to act. The bill recognizes, however, that surface mining controls require simpler administrative arrangements than those necessary to abate air and water pollution. There good reasons for a simpler approach:

1. The two reports by the Department of Interior—the interim “Study of Strip and Surface Mining in Appalachia”, and final report, “Surface Mining and Our Environment”—indicate that we know a great deal about how to prevent environmental damage from surface mining operations and how to reclaim surface-mined land. There is, for example, no need for federal criteria on the environmental effects of surface mining comparable to that required in the field of air pollution. A requirement for development of such criteria in advance would unnecessarily delay the proposed program.

2. The proposed surface mining controls relate only to future surface mining operations. Whereas air and water pollution control may require the installation of new equipment at established operations, the surface mine program would