

# United States Senate

WASHINGTON, DC 20510

December 16, 2009

The Honorable Barack H. Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

We write to express our concerns with a recent proposal by your Administration to impose additional, costly regulations on United States coal production. We believe they are unnecessary and duplicate existing programs that are jurisdictionally under the purview of individual states. Coal mining is a vital component of our states' economies. It provides good-paying jobs and a reliable source of affordable electricity to the entire nation. Ensuring the long-term viability of American coal production is critical for promoting American energy security and creating American jobs.

The Administration's recent decision to begin reviewing state-issued mining permits encroaches on states' rights, creates a duplicative and costly layer of bureaucracy, and contradicts the Congressional intent of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and Clean Water Act of 1972. We are seriously concerned that such a move will have many unintended economic consequences for coal producing and consuming states nationwide. It also compromises the Administration's commitment to using America's abundant and affordable coal resources to meet our energy needs.

SMCRA established a framework under which states develop and manage their own regulatory programs so long as they are no less stringent than the federal standards required by the law. This approach recognizes that states are better equipped to handle management of coal mining and reclamation because the methods, challenges, and characteristics of coal mining are unique in each state.

By creating a duplicative federal regulatory program, state authority will be undercut and the value of state-tailored programs will be lost. This is the first time since states began issuing surface mining permits in the 1980s that the federal government will take this extraordinary step. We believe that states have shown to be good stewards of the law and remain concerned about any steps the Administration may take to weaken their existing authority.

At a time when our country is facing economic uncertainty and families are struggling to meet their needs, we ask that you employ a balanced approach to evaluating our national mining permitting process. Our states need a consistent and predictable regulatory program that will protect and create jobs in an environmentally responsible manner.

Coal is an affordable, abundant, and reliable American energy resource. It provides power to American homes and businesses and creates jobs for hard-working Americans across the United States. We urge you to reconsider any policies that will undercut states' authority and ability to manage coal mining and reclamation, as envisioned by Congress in the Surface Mining Control and Reclamation Act.

Sincerely,

John Barrasso

Jim Bunning

Paul Chaff

Sam Brownback

Bob Casey, Jr.

Michael B. Enzi

Jan E. Rinal

Robert L. Bennett

cc: The Honorable Ken Salazar, Secretary, the U.S. Department of Interior  
Lieutenant General Robert Van Antwerp, Chief Engineer and Commanding General,  
U.S. Army Corps of Engineers  
The Honorable Lisa Jackson, Administrator, U.S. Environmental Protection Agency