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# Congress of the United States

## House of Representatives

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### Opening Statement

#### Ranking Member Elijah E. Cummings

#### Committee on Oversight and Government Reform

#### Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending

#### Hearing on “EPA's Appalachian Energy Permittorium: Job Killer or Job Creator?”

July 14, 2011

Thank you, Mr. Chairman. I appreciate the opportunity to speak today on a critical issue—protecting the water supply in this country to ensure it is safe to drink, as well as to swim, fish, and boat in. Today’s hearing examines recent actions taken by the EPA to regulate mountaintop mining in the Appalachia region. Mountaintop mining is a destructive form of mining that has already destroyed more than 500 mountains and 2,000 streams.

The majority has criticized the EPA’s decision in January to veto a clean water permit granted by the Army Corps for Spruce No. 1 Mine in West Virginia, accusing the EPA of “inappropriately imped[ing] investment and job security in the energy industry.”

Under the proposed plans, Spruce No. 1 Mine would have been one of the largest surface mines in Appalachia, and it would have buried more than seven miles of headwater streams, destroyed 2,278 acres of forestland, and degraded water quality in streams adjacent to the mine. The EPA had a duty under the Clean Water Act to prevent this type of destruction from occurring.

That said, it is not the EPA that is impeding job security in the coal industry—it is the industry itself. Mountaintop removal increases the bottom line of big coal operators, in part by decreasing the number of miners needed to work at a mine. In fact, data presented by one of today’s witnesses support the conclusion that since mountaintop removal permits have been slowed by litigation and EPA regulation, mining jobs have actually increased in the region. So, in answer to the question posed by today’s hearing title—whether EPA’s actions are a “Job Killer or Job Creator”—the evidence indicates that EPA’s regulation of mountaintop mining has been the latter, a job creator.

Mountaintop mining is not only bad for the economy in Appalachia, it is bad for the health of the community. As my colleague, Mr. Kucinich, documented in his opening remarks, scientific research shows that people living near mountaintop removal mining sites suffer extreme health consequences. The evidence is clear: the more mining, the more deaths and

disease. Surely our country can offer better economic development models than those that poison the communities in which they occur. We are better than that.

The importance of preserving the regulatory authorities provided by the Clean Water Act is not an issue that affects only Appalachia. We need the protections guaranteed by the Clean Water Act to guard the safety of our waters across the country. I am deeply disappointed in the majority's almost universal support of HR 2018, which passed on a floor vote yesterday. This bill would reverse decades of progress made under the Clean Water Act, which was passed when pollution had rendered our rivers and streams unsafe to humans.

In addition to crippling the EPA's ability to police mining activity, H.R. 2018 could deprive EPA of critical tools it uses to clean up waters across the country, from the Florida Everglades to the Chesapeake Bay, in my own state of Maryland. I am concerned that enactment of HR 2018 could impede EPA's meaningful limits on the amount of pollution that can flow into the Bay from a variety of sources. Effective implementation of these limits by the EPA is perhaps our last hope for truly restoring this national treasure.