

Lawsuit Targets Pruitt for Refusing to Hold Mining Industry Accountable for Toxic Pollution Cleanups

EPA Administrator Stymied Proposed Rule Limiting Taxpayer Burden for Hazardous Mine Remediation

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Earthjustice, Earthworks, Idaho Conservation League, Amigos Bravos, Great Basin Resource Watch, Sierra Club, Communities for a Better Environment

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Zortman Landusky mine complex in Montana's Little Rockies. Tens of millions of dollars of cleanup costs (and counting) foisted on Montana taxpayers by Pegasus Gold when it went bankrupt. Credit: Earthworks

Washington, D.C – Environmental organizations filed a lawsuit today against EPA Administrator Scott Pruitt in the D.C. Circuit, challenging his failure to hold the hard-rock mining industry financially responsible for cleaning up its toxic pollution. A proposed EPA rule would have required mining companies to demonstrate that they have the funds, up front, to cover cleanup of hazardous substances at mine sites. The rulemaking served to implement EPA authority granted 30 years ago under the federal Superfund program, and was initiated after more than a decade of litigation brought by environmentalists alarmed by toxic releases from hard-rock mining — the leading source of hazardous releases in the U.S.

Yet Pruitt abandoned the new rule in December, effectively giving mining companies a huge handout and pinning the cost burden on taxpayers instead.

Earthjustice filed today's lawsuit challenging Pruitt's action on behalf of Earthworks, Idaho Conservation League, Amigos Bravos, Great Basin Resource Watch, Sierra Club, and Communities for a Better Environment.

Throughout the western U.S., abandoned copper, gold and other hard-rock mines have sat polluted for decades after valuable minerals were extracted, leaching acid mine drainage and even causing cyanide plumes that affect nearby residential drinking water supplies. When mine operators lack the funds to address these hazards, the cost burden is shifted onto taxpayers – often to the tune of hundreds of millions or even billions of dollars for a single site. And because there are only limited public funds available for cleanup, shifting the cleanup burden to taxpayers also means that cleanups are delayed, leaving public lands and nearby communities to live with poisoned land and water for decades.

The EPA estimates the backlog of cleanup costs for hard-rock mines across the country at \$20-\$54 billion. In a legal battle stretching back more than a decade, plaintiffs pushed the EPA to complete this rulemaking process and require industry to demonstrate its financial ability not just to clean up expected hazards but also unanticipated toxic spills and accidents. Ultimately, this rule would have incentivized mining companies to avoid leaving cancer-causing chemicals behind, and kept the financial burden of cleanups off the backs of taxpayers.

The organizations that filed today's complaint issued the following statements.

"The fact of the matter is that people living near a contaminated site are exposed to harmful pollutants such as mercury and cyanide," said **Earthjustice attorney Amanda Goodin**, "and Scott Pruitt's reckless and short-sighted decision to let mining companies trash our water and our lands—and then hand us the bill for the cleanup—is just adding insult to injury."

"It's shameful that we have to go back to court to secure taxpayer protections that are long overdue," said **Bonnie Gestring, northwest program director at Earthworks**. "The mining industry should not be allowed to stick taxpayers with the cleanup costs for their operations."

"When America lets private business operate on public lands, it's critical that we have the tools in place to ensure that they clean up after themselves," said **Justin Hayes with the Idaho Conservation League**. "It's not rocket science; smart business owners collect a sufficient cleaning deposit from tenants. You know that Trump Tower collects a deposit. America should be smart too. No more free lunches, or cleanups, at taxpayers' expense. You break it, you buy it."

"Shouldn't the mining companies that generate the pollution, like the Gold King Mine that polluted the San Juan basin here in Northern New Mexico, be the ones held accountable for cleanup costs?" said **Rachel Conn, projects director for Amigos Bravos**. "Unfortunately, under current law, the EPA can't require a mine to demonstrate it has the funds, up front, to pay for cleanup. Too often, mining companies are able to simply walk away, leaving the local community to deal with the mess and taxpayers to pay for the cleanup."

"In Nevada, we are looking at active mines that will require water treatment of toxic mine water for hundreds of years, 'perpetuity treatment.' We need all of the bonding that we can get to ensure that there will be money for treatment so our communities and their environment are not harmed," said **John Hadder, director of Great Basin Resource Watch**. "Administrator Pruitt's rejection of the draft financial assurance rule is tantamount to telling communities that EPA doesn't care about a clean environment or their health. And, in the same stroke, sends a clear message to the industry: It's OK to pollute, we are not going to hold you accountable."

"The Trump administration can't wave a magic wand and erase real-world impacts of polluting industry. To flip-flop now and say that the cost of failing industry is not going to fall on our communities is to threaten our children's world," said **Zolboo Namkhaidorj, youth organizer for Communities for a Better Environment**. "We will not stand by while Pruitt steals our future so corporations can get richer."

"Cleaning up after yourself is something we teach children to do every day, and the idea that EPA is willfully avoiding requiring hard rock mining companies to provide financial assurances that they can clean up their toxic messes when they are finished with their operations is irresponsible and reckless," said **Lena Moffitt, senior director of Sierra Club's Our Wild America campaign**. "Innocent taxpayers and working families should never be the backstop to foot the bill for irresponsible mining companies that can't clean up their messes, but that's exactly what the EPA is making them. When *you* make a mess, *you* need to clean it up – that's what this lawsuit is about. Basic fairness and accountability."

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