



**Testimony Neither For Nor Against LD 1073, An Act to Amend Provisions of the
Maine Metallic Mineral Mining Act to Advance Health Equity and Improve
the Well-being of Vulnerable Populations**

Before the Committee on Environment and Natural Resources

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Senator Tepler, Representative Doudera, and distinguished members of the Environment and Natural Resources Committee, my name is Luke Frankel, and I am the Staff Scientist at the Natural Resources Council of Maine (NRCM). I am here today to testify neither for nor against LD 1073, An Act to Amend Provisions of the Maine Metallic Mineral Mining Act to Advance Health Equity and Improve the Well-being of Vulnerable Populations.

At the outset, it is important to note that metallic mineral mining is one of the most polluting industrial activities on the planet. Failed mines around the world are generating pollution that will require perpetual treatment for hundreds of years, and they have shifted hundreds of millions of dollars of clean-up costs over to taxpayers.

Here in Maine, we've experienced what the impacts can be on the environment and taxpayers from mining operations that collapsed. The Callahan Mine in Brooksville (1968-1972) and the Kerramerican Mine in Blue Hill (1972-1977) have both left lasting impacts to this day. Designated an official EPA Superfund site in 2002, the Callahan Mine polluted the surrounding environment with arsenic, lead, and PCBs that will cost taxpayers a total of \$45 million to clean up when completed in 2026.

Maine's current mining laws are widely considered to be the most protective in the country, which is appropriate for a state like Maine, where our environment and economy are inextricably linked. Enactment of LD 820 in 2017 was the result of a seven-year process of debate, analysis, public testimony, technical input, and work sessions on multiple pieces of legislation. The final bill passed unanimously in the Senate and 122-21 in the House – demonstrating broad and deep bipartisan support.

Maine's current mining regulations protect the environment and taxpayers through several key provisions, including:

- a ban on open-pit mining;
- a ban on mining in, on, or under public lands, lakes, outstanding rivers, coastal wetlands, and high-value freshwater wetlands;
- a ban on mines that would require treatment of toxic wastewater in perpetuity;
- a requirement that any wastewater discharge be as clean as natural groundwater or surface water in the area;

- a ban on tailings impoundments, the most dangerous parts of mines; and
- a requirement that mining companies pay enough money up-front to cover a worst-case mining disaster so Maine citizens don't get stuck with cleanup costs for mining company messes.

While we support some concepts in LD 1073, others seem unnecessary and/or duplicative with existing protections in the statute and the Department's Chapter 200 rules. However, our larger observation is that we do not believe these proposed edits to Maine's mining laws rise to the level of the protections already enacted. Given the near consensus that emerged through a multi-year process of enacting the Maine Metallic Mineral Mining Act, we believe caution is in order when it comes to proposals to amend the law and open the Chapter 200 rules. In attempting to further strengthen Maine's law, we need to guard against the possibility of our existing set of safeguards being weakened.

In sum, we do not oppose provisions in LD 1073, but we also do not see them as providing such compelling additional benefits to Maine's already very strong mining law that they warrant urgent legislative action now.

I appreciate this opportunity to provide our comments and would be glad to answer any questions you may have.