

For immediate release: 4/4/2024

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PRESS RELEASE

Final OSMRE Rule Restores Citizen Complaint Process for Coal Mines

Office of Surface Mining ensures that coalfield citizens can prompt inspections and enforcement when coal mines violate the law

WASHINGTON, D.C. - Today, the Office of Surface Mining Reclamation and Enforcement (OSMRE) [released a finalized Ten Day Notice](#) (TDN) Rule that will restore agency procedures for responding to citizen complaints alerting the agency to potential violations at coal mines.

Colloquially called the Ten Day Notice rule because that is the period of time that OSMRE gives a state agency to decide whether to carry out an investigation and enforcement action in response to a complaint, the finalized rule is designed to reduce burdens for citizens to file a complaint, as well as clarify procedures for OSMRE to address alleged violations. This rulemaking comes in response to [litigation from coalfield community groups](#) successfully challenging a 2020 Trump Administration-era rule that weakened OSMRE's procedures.

“When Congress passed the federal strip mine law, SMCRA, they realized that people like me who live near coal mines are a valuable source of information for regulators, and that we must have a way to call on regulators to address violations,” said Lynne Huskinson, a retired coal miner and board member of the Powder River Basin Resource Council and Western Organization of Resource Councils from Gillette, Wyoming.

Among other defects, the 2020 rule gave the state agencies tasked with watchdogging coal mines unlimited time to review citizen complaints, and made federal responses to citizen complaints discretionary rather than mandatory. That rule essentially eliminated the ability of coalfield citizens to adequately protect themselves and others from coal mines that are operating in violation of permit conditions and regulatory standards designated to safeguard public health and safety.

“Our members who are neighbors to coal mines have used the citizen complaint process to notify regulators of violations such as dangerous vibrations and toxic air pollution from blasting, water pollution and loss of water for neighboring homeowners, and insufficient reclamation bonds. Without proper rules, we’ve experienced situations where OSMRE has taken months to respond to citizens’ complaints. We appreciate OSMRE taking these steps to ensure citizen complaints are handled in a timely and respectful manner and we look forward to stronger oversight and protections from OSMRE in the future,” said Huskinson

The final rule restores SMCRA's intent to treat all citizen complaints as requests for federal inspection, eliminating the requirements that a citizen first notify the state regulator, and then explain why the state's response was insufficient. This will ensure that OSMRE is consistently in the loop, and state agencies cannot block OSMRE from involvement. It also clarifies that citizens who submit complaints have the right to accompany federal regulators on mine inspections carried out in response to complaints.

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[The Western Organization of Resource Councils \(WORC\)](#) is a network of nine grassroots organizations in seven Western states with 22,750 members, many of them ranchers and farmers committed to common-sense reform in agriculture, oil and gas development, coal mine reclamation, and rural economic development. Headquartered in Billings, Mont., WORC also has an office in Washington, D.C.

[The Powder River Basin Resource Council](#), founded in 1973, is a family agriculture and conservation organization in Wyoming. Resource Council members are family farmers and ranchers and concerned citizens who are committed to conservation of our unique land, mineral, water, and clean air resources.