The Critical Minerals Trojan Horse

**Message Guidance for Advocates of Responsible Mineral Policy**

**Background**

*The Trump Administration has emboldened mining lobby efforts to weaken the permitting process for hardrock mining. The industry has launched an aggressive PR campaign to lay the groundwork for administrative and legislative upheaval: gutting public input in mining decisions affecting their communities, pushing the EPA to toss out protections for clean air and clean water; pressuring the Department of the Interior to give the mining industry access to millions of acres of public lands; and promoting HR 520, a bill to weaken the hardrock mining permitting process.*

*The mining lobby’s central message is that the permitting process is overly complicated and protracted. Either through HR 520 or another vehicle, we anticipate the mining lobby will continue to use demand for “strategic and critical minerals” as the rationale to roll back community rights and environmental reviews . With the debate heating up, advocates have an opportunity to establish the terms of the debate -- to “frame” the story in the media. Below are suggested talking points to focus reporters attention on the mineral policy reform we really need.*

**Talking points**

* **Yep, Mining Laws Are Out of Date.** The General Mining Law that governs today’s mining industry was written in 1872. This Manifest Destiny era law for pick and shovel miners  is completely out of touch and out of scale with modern mining. Comprehensive mining law reform is the long-term solution to this problem.
* **Choice: The Reform We REALLY Need.** U.S. mining policy reform must provide land use choices. Under the 1872 law, we have none. Mining claims win over any other land use. Reform must focus on protecting communities and the environment from industrial-scale mining by balancing its use with conservation, recreation, or renewable energy development.
* **Status Quo Threatens Communities.** We need to change U.S. mining policy, but not to loosen oversight. Communities across the country are living with pollution from mining accidents, and taxpayers -- not the polluters -- are often paying for cleanup. **We need accountability.** We need to hold mining companies responsible for their pollution to protect communities and save taxpayer dollars.
* **Status Quo Costs Taxpayers.** American taxpayers already face an enormous financial burden, and communities throughout the U.S. already face extensive delays in cleanup of toxic waste from hardrock mines. The EPA estimates the backlog of cleanup costs for these mines at $20-$54 billion -- vastly more than the entire annual Superfund budget, which the Trump Administration has proposed to cut a further 30 percent.
  + Unlike other extractive industries, [under the 1872 law,](https://www.earthworksaction.org/issues/detail/1872_mining_law_101#.Wig9JrT81KN) mining companies pay no royalties. Whoever stakes a claim and discovers valuable minerals on public lands claims those riches -- more than $300 billion and counting since 1872 -- without giving taxpayers a dime for them.
* **Mining is Getting Dirtier and Riskier.**Some of the most abundant deposits remain harder-to-reach and more wasteful, posing a greater risk to local communities and the water they depend upon.
* **Focus on Efficiency and Recycling.** There are better ways to meet our growing mineral demand. Public and private sector investment all over the world has spurred innovations in recycling and re-use of critical minerals. In addition to improvements in efficiency, there is tremendous opportunity in “re-mining” the wastes left behind from 150 years of manufacturing (particularly important for copper, nickel, and aluminum).
* **A Legacy of Obstruction.** We shouldn’t be surprised. For decades the mining lobby has blocked much-needed 1872 Mining Law reform that would fairly treat both public land owners -- all Americans --  and mining companies.
* **Protecting National Treasures.** We are seeing a massive increase in threats to public lands from mining and drillings, including in some of our country’s most iconic places: uranium mining in the Grand Canyon; copper-nickel mining in the Boundary Waters Canoe Area Wilderness, coal, oil, gas, and uranium in Grand Staircase-Escalante National Monument; lithium in the Black Rock Desert. How can we talk about weakening standards when our national treasures are being divvied up in backroom deals, without public input?

**Responding to Industry Messages**

*Below are the primary arguments used by our opponents. Use sparingly, and only to rebut the opposition. Whenever possible, bridge back to core talking points above.*

* **We need these minerals for national security.**
  + The free market for these minerals allows supply to meet demand. International institutions have resolved unfair trade practices in critical minerals.
* **Permitting a new mine takes 7-10 years.**
  + This is demonstrably untrue. The average time is two years, [according to the Government Accountability Office](https://www.gao.gov/assets/680/674752.pdf): generally the same as in Australia, Canada, Chile, Norway and other modern democracies with robust mining industries.
* **Permitting requirements are driving investors overseas.**
  + The United States is already mining-friendly, according to the industry itself. The Fraser Institute's 2016 Annual Survey of Mining Companies named Nevada and Arizona among the *world’s* "Top 10 Most Attractive Jurisdictions for Mining Investment."