

REVOKING THE STREAM PROTECTION RULE

Passed: 54-45

SUMMARY:

The Senate passed S.J. Res 10, a resolution to permanently revoke the Stream Protection Rule that was put in place to protect the health and safety of people and the environment from the harmful effects of surface coal mining and toxic runoff in our water ways. (*February 2, 2017, Roll Call No. 43*)

BACKGROUND:

The Stream Protection Rule, finalized by the Department of the Interior in December 2016, would have helped to make sure communities and wildlife were not stuck with the horrible consequences of toxic water pollution from industrial coal mining operations. Surface coal mining has destroyed thousands of miles of streams and contaminated drinking water with toxic coal dust, arsenic, selenium and other heavy metal. It has also been linked to increased rates of rare cancers, kidney disorders, and birth defects in local communities and to wildlife mortality. Fish, bald eagles, river otters and all animals that use waters polluted by coal mining are at risk.

This long-awaited rule, the first major update to surface mining regulations in 30 years, provided fundamental safeguards like water monitoring. It prohibited the permanent destruction of streams, required restoration of rivers, streams and mining sites and tightened compliance with the Endangered Species Act.

In February, Congress triggered the rarely used but devastatingly powerful Congressional Review Act to pass joint resolutions that have the effect of law and not only revoke a federal rule but also prohibit any substantially similar rule from being issued in the future. The Stream Protection Rule was one of the first casualties of this congressional regulatory assault. The resolution was introduced in the Senate by Senator McConnell (R-Ky).

OUTCOME:

On February 2, 2017, the Senate passed the Joint Resolution to revoke the Stream Protection Rule, 54-45. "No" was the pro-conservation vote. President Trump signed the resolution into law on February 16, 2017.