

PREVENTING HARMS FROM METALS MINING

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EXECUTIVE SUMMARY

Metals mining is both an old and new issue for Virginia. Mining for gold, copper, zinc, and lead in the 19th and early 20th centuries is, evidenced by hundreds of abandoned mines along the gold-pyrite belt which extends from Fairfax to Halifax Counties.¹ A large-scale version of this toxic industry is now moving forward with neither a comprehensive regulatory framework nor sufficient financial assurances, putting public health and drinking water at risk. Virginia must support communities most at risk, protect our water resources and agricultural lands, and develop an effective regulatory framework for metals mining.

CHALLENGE

Metals mining is a land-intensive process representing the nation's #1 toxic pollution source² and often involves the use of cyanide. Mining procedures can result in perpetual acid mine drainage,³ catastrophic waste containment failures,⁴ destruction of cultural heritage, and the devastation of local economies as a result of the boom-and-bust cycle of the industry.

Junior mining companies have been prospecting near Virginia's gold-pyrite belt for several years,⁵ announcing "high grade" findings.⁶ This belt contains metals like iron, gold, copper, and zinc,⁷ and intersects innumerable environmental justice communities often overburdened with existing pollution.^{8,9} Of note, the surface drinking water systems for 3.2 million people are downstream of the belt.¹⁰ The belt crosses the James River, which provides drinking water for 2.7 million, brings millions of dollars into Virginia's economy from commercial fishing, and attracts over 6 million visitors annually.¹¹

As the Commonwealth works to safeguard our watersheds and agricultural lands, the introduction of a new significant source of pollution – industrial metals mining – threatens the viability of those efforts. Additionally, hundreds of historic metal mines lay abandoned across Virginia's landscape.¹² The cost to taxpayers of reclaiming these abandoned sites is an economic burden and the negative health and environmental impacts of not reclaiming these sites is dangerous.¹³

Virginia's current mineral mining regulations are not designed to address modern-day industrial base and precious metals mining. Rather, they focus on the majority of active non-metals mining permits – sand, gravel, and stone aggregates.¹⁴

Legislation in 2021 required the study of the effects of gold mining on the Commonwealth,¹⁵ but assessment of current regulations has not yet occurred. Proposed legislation in 2022 addressed the specific threat of cyanide contamination, and although it received bi-partisan support, it did not advance from the General Assembly.¹⁶

SOLUTION

In order to protect people and the Commonwealth's natural resources, specifically its rivers, streams, and agricultural lands, Virginia must put in place an effective regulatory framework for mining metals.

To do so, the Commonwealth must seek a broad analysis of existing metals mining regulations – not limited to just one commercial product. Additionally, any workgroup, study, and/or review processes must include robust public engagement and education. Economic, human health, and environmental implications of metals mining and reclamation should be part of all evaluations. The threat of large-scale mining is statewide, and would have both short- and long-term impacts, so existing bonding, reclamation, closure, and monitoring regulations must be comprehensively evaluated and updated.

While the Commonwealth exercises due diligence in reviewing outdated and insufficient regulations, it should also implement a 'pause' on permitting any new metals mining projects. The granting of permits for the mining of gold, copper, lead, or zinc, for example, without sufficient knowledge of project impacts, or with deficient regulatory oversight of impacts is inappropriate given the potential environmental, human health, and economic harms.

POLICY RECOMMENDATIONS

Direct the Virginia Department of Energy to pause the issuance of permits for large-scale gold, copper, zinc, and lead mining until the General Assembly has the time to implement a regulatory framework.

Direct the Virginia Department of Energy and the Department of Environmental Quality to evaluate existing bonding, reclamation, closure, and monitoring regulations to develop a regulatory framework for mining metals that is protective of public health and our environment.

Ban the use of cyanide in all metals mining processes.

Require that the Virginia Department of Energy study and assess the mining impacts of copper, zinc, and lead.