

In recent legal battles, the State of Utah has rarely sided with the environment. It is a significant moment, therefore, when Utah files a lawsuit aimed to force polluters to pay for contamination they have caused, as it [did](#) last week when it sued mine owners and contractors for the EPA related to the Gold King Mine spill that fouled the Animus River in 2015. As this example suggests, addressing the threats posed by hazardous contamination at the tens of thousands of abandoned mine sites in the Rocky Mountain west should cut across ideology and receive bipartisan support.

Apparently, the Trump Administration disagrees. The [budget](#) prepared for the Department of the Interior would slash three key programs that address contamination on public lands: the Department's Central Hazardous Materials Fund (CHF), and the BLM's Abandoned Mine Lands (AML) and Hazardous Materials Management (HMM) programs. Funding for the CHF would be reduced by 80% (from \$10 million to \$8 million), AML would be reduced by over 50% (from \$20 million to \$9 million), and HMM be reduced by 30% (from \$16 million to \$11 million).

The proposed cuts to these programs has generated few headlines. The programs themselves are not that well known beyond public lands aficionados and the overall proposal to reduce Interior's budget by 10% is relatively small as compared to proposed reductions elsewhere in the federal government. But these programs are vital to addressing the legacy of pollution caused by centuries of mining and other uses of public lands, and to ensuring that these lands provide value today and in the future.

Let's take a look at each:

As described on the Department of Interior [website](#), the CHF is the "principal source of funds for the cleanup of highly contaminated sites located within national parks, national wildlife refuge, and other Department-managed lands. . . . CHF sites typically pose potential risks to employees, public health and welfare, and the environment." The fund operates similarly to the Superfund and after expending money, the Department sues any solvent responsible parties it can identify to recover costs. Since 1995, the CHF has provided funding for response actions at almost 100 sites.

Under the [proposed](#) budget for CHF, the "reduction in appropriated funding will impact the number of projects without [liable parties] that can be addressed."

The other two programs on the chopping block are BLM specific and address contamination from different sources. The [AML](#) addresses contamination caused by historic hardrock mining ([defined as](#) locations where mining operations ceased prior to 1981). The program

identifies, investigates, and inventories abandoned mines and provides funding for restoration work. The BLM estimates that 80% of the 52,381 sites inventoried by the program require additional investigation or cleanup, and at many of these sites no liable party can be located.

Under the [proposed](#) budget for AML, the "BLM will not undertake any new mine remediation work."

The [HMM](#) addresses hazards that arise from other sources, including dumping sites (both legal and illegal) and unexploded ordinance. As of [2015](#), almost 900 hazardous materials sites (other than abandoned mines) required additional investigation and/or cleanup.

Under the [proposed](#) budget for HMM, the program "will have reduced capacity to address existing and emergent environmental impact incidents and will also reduce facility environmental compliance monitoring."

Even before these proposed budget cuts, the Government Accountability Office [recommended](#) in 2015 that Interior improve information about contaminated sites, noting that BLM has not assessed contamination at more than 30,000 abandoned mine sites. It should terrify all us who live in the mountain west that we don't even know what risks those sites pose. Acting on the GAO's recommendation cannot occur with fewer resources.

It would be a real mistake for Congress to let these programs wither. They are a vital component of the Department's efforts to protect public health and the health of our public lands. As the Gold King Mine spill demonstrates, contamination of public lands presents real and imminent threats. Preventing disasters like that one, and generally tending to the health of public lands should be a priority for any administration.

*[Justin Pidot](#) is an Associate Professor of Law at the University of Denver Sturm College of Law. He served as Deputy Solicitor for Land Resources at the Department of the Interior during the Obama Administration and as an appellate lawyer at the Department of Justice's Environment and Natural Resources Division.*