

# United States Senate

WASHINGTON, DC 20510

June 12, 2020

Mr. Casey Hammond  
Principal Deputy Assistant Secretary  
Land and Minerals Management  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Deputy Assistant Secretary Hammond:

As our country continues to cope with and respond to the COVID-19 pandemic, I write to urge you to extend the 30-day public comment period for the Office of Surface Mining Reclamation and Enforcement's (OSMRE) proposed rule on Ten-Day Notices (TDNs) as found in the May 14, 2020 85 Fed. Reg. 28904.

The opportunity for Americans to participate in the federal rulemaking process by submitting public comments or voicing their ideas at a public hearing is essential to the functioning of our democracy. In early April, I sent a letter to Russell Vought, the Acting Director of the U.S. Office of Management and Budget, requesting that all federal agencies indefinitely extend open public comment periods and pause any new Administrative rulemaking actions not related to the COVID-19 pandemic response. The OSMRE's proposed rule on TDNs is yet another instance of the Administration moving forward with federal rulemaking actions without adequate opportunity for public input and defying the democratic pillars of our nation.

The proposed rule on TDNs will alter federal and citizen oversight of coal mining operations and enforcement of environmental laws. Among other things, the change will give states unlimited time to review citizen reports and render responses to citizen complaints discretionary rather than mandatory. This eliminates a key safeguard for citizens to prevent coalmine safety violations in their communities. It is essential that Americans be afforded ample time to provide comment on the proposed rule.

Right now, in the midst of the COVID-19 pandemic, Americans are working every day to take care of their families, employees, and community. Schools, libraries, and community centers continue to be closed, and many citizens are still following federal, state, Tribal and local government stay-at-home orders. It is unreasonable to expect Americans to participate in public comment periods while our country is in a state of emergency.

For these reasons, I request that you extend the public comment period on the proposed rule change to TDNs by at least 90 additional days so that Americans can have the time to provide informed input. I also request that you hold at least three public hearings on the proposed rule once the public health situation allows for in-person gatherings.

Thank you for your attention to this request.

Sincerely,



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Tom Udall  
United States Senator



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Tammy Duckworth  
United States Senator