

November 12, 2024

Dear Members of the Congress,

We write to respectfully urge you to oppose H.R. 8446 during this week's scheduled floor vote. HR 8446 amends the Energy Act of 2020 to conflate the Department of Energy's (DOE) critical materials list with the United States Geological Survey's (USGS) critical minerals list. While the current lists substantially overlap, DOE lists copper where USGS does not. An agency's criticality listing can potentially determine eligibility for certain Inflation Reduction Act (IRA) tax credits or the FAST-41 speedy permitting program.

HR 8446's effect is to allow copper mine proponents to claim Inflation Reduction Act tax credits for which they are currently ineligible. The bill also eases eligibility for copper mines to qualify for speedy permitting under FAST-41. These twin outcomes undercut our climate, environmental justice, and mineral security goals by prioritizing mining over better copper sourcing options.

Congress designed the materials and minerals lists maintained by USGS, DOE and the Defense Logistics Agency (DLA) for different purposes. The lists draw on tailored methodologies and forecasting techniques to further each agency's mission. For instance, USGS determined copper is not critical primarily because 32% of annual domestic consumption comes from recycled scrap.

The purpose of DOE's critical materials list is specifically for securing supply chains for the energy sector, especially renewable energy applications. DOE listed copper as a near term critical material in order to more efficiently deploy the IRA's 48C tax credit. Potentially allowing copper mines to now claim the IRA's 48C credit dilutes its benefit and purpose. It also provides another unnecessary handout to the mining industry that already received the IRA 45X credit, pays zero federal royalties; and deducts a certain percentage of their taxable income based upon asset depletion, known as the percentage depletion allowance. On public lands, those assets copper miners deplete are the minerals belonging to all Americans.

Copper mines do not need a speedy permitting scheme nor should they become eligible for tax credits intended for clean energy projects. For these reasons, we respectfully urge you to oppose HR 8446. Thank you for your consideration.

Alaska Wilderness League  
All About Adventure

Black Hills Clean Water Alliance  
Center for Biological Diversity  
Citizens to Protect Smith Valley (NV)  
Earthjustice  
Earthworks  
Endangered Species Coalition  
Environmental Protection Information Center- EPIC  
Friends of the Earth  
Gila Resources Information Project  
Great Basin Resource Watch  
Great Basin Water Network  
Idaho Rivers United  
League of Conservation Voters  
League of Women Voters Duluth  
Mining Impact Coalition of Wisconsin  
Minnesota Center for Environmental Advocacy  
Minnesota Division, Izaak Walton League  
MNIPL  
Natural Resources Defense Council  
Northeastern Minnesotans for Wilderness  
Northern Alaska Environmental Center  
NM Environmental Law Center  
Okanogan Highlands Alliance  
Protect the Kobuk  
River Alliance of Wisconsin  
Save Lake Superior Association  
Save the Scenic Santa Ritas  
The Wilderness Society  
Upper Peninsula Environmental Coalition  
WaterLegacy  
W.J. McCabe Chapter, Izaak Walton League of America