

Senator Tepler, Representative Doudera, and other members of the ENR committee, my name is Ralph Chapman from Bucksport. I am a retired applied physicist, science educator, and legislator. For eight years I represented the only House district in Maine that has had commercial metal mining in the past century.

I speak today neither for nor against LD 795 (pegmatite exemption / permit by rule) which further deregulates mining in Maine and reduces public input and legislative oversight to mining rule making. I speak, instead, to bring added information to your discernment around this, and related, mining issues.

The current President and the most recent past-President of the US have both spoken to, and taken action toward, increasing the extraction of metals within the US. At the same time, metal mining is one of the most polluting industries in the world, contaminating water supplies, creating health hazards, and leaving sacrifice zones and toxic waste dumps in perpetuity.

In Maine, metal mining direct expenses have always exceeded revenues. Historically, mining industry job creation estimates have been more than ten times the actual temporary jobs created, and none of the estimates have ever subtracted the permanent jobs eliminated. In today's economy, dominated by tourism / hospitality, and agriculture / fishing, all of which depend upon clean water, the economy will suffer from the net job loss from metal mining.

How can Maine navigate the conundrum of the need for domestic metal production and the undesirability of an economy-destroying polluting industry?

The key lies in consideration of the regulatory framework. Our current punish non-compliance regulatory system cannot work effectively for any industry (including mining) which can create more harm than it can afford. An alternative framework based on harm prevention rather than punishing harm, currently used by the nuclear power industry and the airline industry, is preferred. Independent scientific expert panel review processes have the advantage of adapting quickly to new information and advances in technology. Rules based compliance regulations require constant revisiting by legislatures trying to reconcile changing industry needs and advances in knowledge. A citizen legislature with no access to scientific experts is at a particular disadvantage, resulting in non-scientific, technical error prone, and quickly outdated rules such as our present mining rules.

Under a harm-prevention regulatory framework, industry funded and government managed, we could minimize the harms from mining. We would also gain the incentive to improve our efforts at reduction, reuse, and recycling of metals. Maine has people with the knowledge and experience in harm-prevention regulation using scientific experts. The only ingredient missing is the political will to make the change. Of particular interest to me is how such an initiative in Maine could be exported to other jurisdictions to improve environmental justice everywhere.

I stand ready to help you better understand why the mining industry needs to be regulated, why it cannot regulate itself, and how to implement a harm-prevention regulatory framework.

Thank you.

A handwritten signature in black ink, reading "Ralph Chapman". The signature is written in a cursive, flowing style.