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Groups Sue Trump's Office of Surface Mining Over Rollback of Coal Mining Oversight Rule

Washington, D.C. — Appalachian Voices, Citizens Coal Council, and Sierra Club are suing the Trump administration over a new rule making it harder for individuals and communities impacted by coal mining to hold state regulators and mining companies accountable for environmental and public safety violations. The lawsuit, filed today in the U.S. District Court for the District of Columbia, challenges the Office of Surface Mining, Reclamation, and Enforcement's final [Ten-Day Notice Rule](#).

The Surface Mining Control and Reclamation Act of 1977 established the Ten-Day Notice (TDN) process, which allows citizens to report potential violations of mining laws and regulations to federal regulators. The notification process established by Congress gives state regulators 10 days to inspect and take "appropriate" action to correct the problem before federal regulators must step in to inspect and enforce the law. Community members have successfully used the TDN process for decades to address violations ranging from landslides to water pollution to loss and contamination of water supplies. The rule is crucial for communities that are harmed by coal companies when state regulators fail to enforce laws that protect human health and the environment — a scenario that occurs all too often in states where the coal lobby has an outsized influence over government officials.

The new TDN rule published on Feb. 19, 2026, weakens the TDN process and protections for coalfield residents and the environment. The rule delays notification and excludes violations caused by state regulatory failures, such as flawed permitting decisions that result in on-the-ground violations. As a result, violations could go uncorrected for a longer period of time until they pose imminent hazards, particularly where systemic failures in state programs are involved.

This is the second time the groups have sued over the Trump administration's attempts to weaken the TDN process. They challenged the Trump administration's 2020 rule,

which was replaced by a 2024 rulemaking by the Biden administration that restored communities' ability to secure federal assistance for mine site violations. The Biden-era TDN rule was challenged by several coalfield states, and the groups have intervened to defend that rule. That case is pending in the U.S. District Court for the District of Columbia and has been stayed until May 2026. The 2026 Trump TDN rule challenged in this filing rescinded the Biden TDN rule and has again proposed the changes adopted in 2020 and challenged in 2021.

Statement by Matt Hepler, Central Appalachian Environmental Scientist for Appalachian Voices:

“This new rule will force members of the public impacted by harmful coal mining violations to go through a longer and more complex process that was never designed to be a substitute for immediate action to correct all violations. This new rule means problems such as drinking water contamination, subsidence and erosion will be dragged down by a slow, indeterminate and politically fraught process. The result is predictable: Unlawful and damaging coal mining practices will continue on the ground while state and federal agencies cycle through years of conferences, hearings and negotiations instead of taking action to help deserving people.”

Statement by Bonnie Swinford, Campaign Organizing Strategist for the Sierra Club:

“For decades, the Ten Day Rule has allowed communities to protect their residents. But now, coal companies will be able to leave coal mines spilling toxins into the air and water. This is simply the latest move from the Trump administration to strip the public of our power to hold big coal mining corporations accountable. We deserve leaders who will fight to protect us from toxic mines, not leave us defenseless for the sake of corporate handouts.”

Statement by Aimee Erickson, Executive Director, Citizens Coal Council:

“The Ten-Day Notice process is often the only accountability tool coalfield residents have when state regulators fail to act. Weakening federal oversight doesn't strengthen states — it weakens protections for families living with mining impacts. In longwall mining communities, we've seen cracked foundations, lost water supplies and streams permanently altered. When those impacts are minimized or delayed at the state level, federal oversight is supposed to be the backstop. Communities deserve a system that enforces the law as written.”

The plaintiffs are represented by Tom FitzGerald, of counsel with Kentucky Resources Council, a nonprofit environmental advocacy organization. KRC has been representing

coalfield communities in defense of the full and fair implementation of the 1977 Surface Mining Control and Reclamation Act since 1984.