



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

February 1, 2023

The Honorable Joe Manchin
Chairman
Senate Committee on Energy and Natural
Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy and Natural
Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso,

The National Stone, Sand and Gravel Association (NSSGA) represents crushed stone, sand, gravel (aggregate) and industrial sand producers, consisting of approximately 9,500 operations nationwide, and the manufacturing and service providers who serve the industry. Our producer members operate both surface and subsurface mining operations across all fifty states.

Aggregate producers are directly impacted by the *Infrastructure Investment and Jobs Act* (IIJA) and are essential to meet our country's energy goals. Aggregates are a critical component of concrete, which is required in many clean energy projects like wind turbines (hundreds of tons aggregates are required for each base), dams to establish hydropower, charging stations, expanding the electrical grid and more. Solar projects also rely on industrial sand, which is essential when creating the glass for solar panels. Industrial sand is also the key component in extracting oil and gas which is essential to America's energy independence. In addition to playing a direct role in modernizing our nation's energy future, the aggregates industry can also provide land that is strategically located for clean energy projects such as those the Department of Energy (DOE) is working to support as part of the IIJA.

A program of particular interest to aggregate producers and was authorized as part of the IIJA is the Clean Energy Demonstrations on Current and Former Mine Land Program. This program is housed within DOE's new office, the Office of Clean Energy Demonstrations (OCED), and will provide \$500 million in 2023 to support clean energy projects, like solar panels, on active or abandoned mine lands.

While we applaud the administration's investment and are pleased with the stakeholder outreach OCED has engaged in, there is a critical error in the program: most aggregate quarries are not eligible to compete for this funding to support a clean energy demonstration project.



This is because the definition of “mine land” provided in the IJJA does not cover most privately held current and former aggregate mine land (which describes most aggregate operations in the U.S.). “Mine lands” are defined as:

- (1) “land subject to titles IV and V of the Surface Mining Control and Reclamation Act of 1977,” which covers coal mining lands, and
- (2) “land that has been claimed or patented subject to sections 2319 through 2344 of the Revised Statutes (commonly known as the ‘Mining Law of 1872’),” which covers mine sites on federal lands.

We believe the definition of a mine land not covering thousands of aggregate quarries across the country is a significant and unfortunate oversight. Therefore, we encourage you to push for the inclusion of the whole aggregates industry for consideration in this program and future DOE solicitations.

Current and former aggregate mine lands present many opportunities for clean energy development; therefore, the aggregates industry needs to be considered for funding appointed for clean energy projects.

One of the most significant advantages of the aggregates industry for clean energy development is its widespread and diverse geographic footprint. There are over 9,500 active aggregate operations throughout the country additionally, there are thousands of reclaimed and inactive sites proximate to cities, towns, and industrial sites because our materials are used to build infrastructure projects. Furthermore, quarries are close to population centers because when trucked, which is the most common method of transportation, it is not economical to move aggregates more than thirty miles from where it is mined to where it is used due to its weight and generally low cost per ton. In short, thousands of current and former aggregate mine lands are located throughout the country and close to where the most significant energy needs exist, making the industry geographically prime for clean energy projects.

Access to federal funds will make it possible for operators to add clean energy projects on-site and help it become more commonplace throughout the industry. There are currently ‘early adopters’ in the aggregates industry that have solar energy options on-site or through a local utility, but these are the vast minority. Some companies have also set goals to make a percentage of their operations run on renewable energy by set target dates. Still, these percentages are less than 5% of total energy expenditures. Access to funding and demonstration projects will help companies raise these percentages and allow operators of all sizes to bring clean energy to their operations. Clean energy projects are capital-intensive, and steep up-front costs make them unachievable for many operators, particularly small operators. The opportunity to compete for federal funds is essential for many small business owners who would like to use clean energy at their quarries but otherwise cannot afford it.

Finally, a provision of the IJJA is that DOE seeks projects that contribute to the most significant net impact in avoiding or reducing greenhouse gas emissions. The aggregates industry is a crucial player in the mining industry that must be considered to accomplish this goal. Construction sand and gravel is the largest commodity in terms of active mines in the U.S. at approximately 44%, according to [data from the Mine Safety and Health Administration](#) (MSHA), and is present in all 50 states. Furthermore, stone accounts for approximately 9% (found in 48 states) and sand at 3% (found in 42 states). By providing funding and spurring clean energy projects on aggregate mine lands, the DOE will reach almost one-



third of the current mine lands in the U.S. Leaving out the largest commodity group in the mining industry is counterproductive to the IIA's goal of avoiding or reducing greenhouse gas emissions. Furthermore, thanks to the IIA, construction materials are in high and increasing demand as our country invests in infrastructure. Including the aggregates industry in clean energy funding opportunities will have a tremendous net impact on reducing GHG emissions because the industry is vast and will continue its growth pattern in the future.

Thank you for your time and consideration. The aggregates industry is a critical player in the mining industry, our communities, and the clean energy solution. In addition, there are significant opportunities to partner with the Department of Energy to pursue clean energy projects. While the agency is making strides to implement the IIA effectively, there are substantial opportunities for improvement.

Thank you for your leadership on the important topic of the DOE's implementation of the IIA.

Please do not hesitate to reach out with any questions or clarifications.

Respectfully,

A handwritten signature in black ink, appearing to read 'M. Johnson', is enclosed in a white rectangular box.

Michael W. Johnson
President & CEO
National Stone Sand and Gravel Association

