



July 12, 2018

Mr. Sam Tarr
Office of Safety, Security, and Asset Management (OSSAM)
Centers for Disease Control and Prevention
1600 Clifton Road, NE
MS-K80
Atlanta, Georgia 30329-4027.

Re: Notice of Intent To Prepare an Environmental Impact Statement, Public Scoping Meeting, and Request for Comments; Acquisition of Site for Development of a Replacement Underground Safety Research Program Facility for the Centers for Disease Control and Prevention/National Institute for Occupational Safety and Health (CDC/NIOSH) in Mace, West Virginia; Docket No. CDC-2018-0057

Dear Mr. Tarr:

The Industrial Minerals Association – North America (IMA-NA) is a trade association created to advance the interests of North American companies that extract or process industrial minerals used throughout the manufacturing and agricultural industries. IMA-NA has long been a supporter of the former Lake Lynn Experimental Mine (LLEM), which is no longer available to NIOSH. The nearly six intervening years since the LLEM became unavailable to NIOSH diminished NIOSH's capacity to conduct mine safety and health research in a controlled underground mine setting. National mine safety and health research has suffered as a direct result. Consequently, IMA-NA and its member companies support CDC and NIOSH intentions to consider a replacement underground mine safety research program facility.

The next step in the site acquisition process is for CDC and NIOSH to prepare an Environmental Impact Statement (EIS) for the proposed acquisition of the Mace, WV, site and for the construction of a new underground mine safety research facility on the site. Under the National Environmental Policy Act federal agencies are required to evaluate the environmental effects of their proposed actions and consider a range of reasonable alternatives to the proposed action before making a decision. CDC and NIOSH have initiated a public scoping process through publication of a Notice of Intent in the *Federal Register* dated June 14, 2018 (83 FR 27781-2). A public meeting was held on June 26, 2018, in Slatyfork, WV, to begin to establish the range of issues to be addressed during the preparation of the EIS. IMA-NA has reviewed the materials made available at that public meeting (Attachment 1, hereby made a part of these comments) and offers the following comments.

IMA-NA supports the Purpose and Need descriptions as stated in the meeting materials. IMA-NA acknowledges the Project Area, What is NIOSH?, and the Lake Lynn Experimental Mine descriptions as stated in the meeting materials. As to the Alternatives Dismissed from Consideration descriptions as stated in the meeting materials, IMA-NA offers the following comments:

- Continue Use of LLEM – The meeting materials state, “[t]he lease agreement at LLEM included 406 acres within an overall property parcel of 4,350 acres. The owner would not enter into a long-term lease and rejected multiple offers for CDC to purchase the property.” Faced with these existing conditions, IMA-NA has supported in the past and continues to support the taking of the LLEM by eminent domain. While remediation work still would be necessary to rehabilitate the LLEM, the advantage of taking the LLEM by eminent domain is that it would obviate the time and expense needed for “green fields” construction. The LLEM also is more conveniently located to the NIOSH Pittsburgh Research Laboratory, which formerly staffed the LLEM. Attached is a statement issued by IMA-NA prior to the expiration of the lease for the LLEM on September 30, 2102 (Attachment 2, also hereby made a part of these comments). Also attached are letters of support to which IMA-NA was a signatory advocating either additional funds needing to be appropriated for the purchase of the LLEM, or that the federal government should consider taking the property under the doctrine of eminent domain and letting the courts decide appropriate compensation (Attachments 3 and 4, also hereby made a part of these comments). A less attractive alternative identified in these letters, given the time and expense involved in developing a “green fields” site, was to identify a suitable location to build a new facility to replace the LLEM. IMA-NA maintains that Continue Use of LLEM should remain an alternative considered in the EIS.
- Use of the Central Mining Institute’s Experimental Mine Barbara in Poland – IMA-NA supports the statement contained in the meeting materials.
- Use of a Similar Facility in South Africa – IMA-NA supports the statement contained in the meeting materials.
- Use of Existing Department of Defense Facilities – IMA-NA supports the statement contained in the meeting materials.

The *Federal Register* Notice on Intent dated June 14, 2018, referenced above, states that at a minimum, the EIS will evaluate the following two alternatives: The Proposed Action Alternative (acquisition of the site and construction of a new underground mine safety research facility) and the No Action Alternative. IMA-NA offers the following comments:

- The Proposed Action Alternative (acquisition of the site and construction of a new underground mine safety research facility) – IMA-NA supports the development of a Proposed Action Alternative in the EIS.

- No Action Alternative – While a no action alternative typically is included in an EIS, IMA-NA already does not favor this alternative for reasons made evident in these comments and in Attachments 2, 3 and 4 to these comments.

Thank you for your consideration of IMA-NA's comments on the CDC/NIOSH Notice of Intent. IMA-NA stands ready to participate constructively in discussions regarding the acquisition of the Mace, WV, site for development of a replacement underground mine safety research program facility but also supports including the acquisition of the former NIOSH Lake Lynn Experimental Mine as an alternative in the EIS.

Sincerely,

A handwritten signature in cursive script that reads "Mark G. Ellis".

Mark G. Ellis
President

Attachments as stated