

Coal Mine Federal Oversight Rules Challenged in Litigation (Again)



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Several organizations have filed a lawsuit seeking to invalidate regulations intended to restore state agencies as the primary regulators of most coal mining operations. On April 20, 2026, Citizens Coal Council, Appalachian Voices, and the Sierra Club (Plaintiffs) filed a civil action against Interior Secretary Doug Burgum, challenging the Office of Surface Mining Reclamation and Enforcement (OSM)'s February 19, 2026, revisions to its regulations governing oversight of state mine regulatory programs under the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA). *Citizens Coal Council, et al. v. Burgum*, 1:26-cv-01348-RBW (D.C. D. Ct.). Asserting that the changes made by the 2026 revisions to those regulations (the "SMCRA Oversight Rules"; generally, 30 C.F.R. Parts 730 – 746) are "arbitrary, capricious, and otherwise inconsistent with law," the Complaint largely seeks a return to the 2024 version that was put into effect under the Biden administration.

In their Complaint, the Plaintiffs allege that the 2026 changes "unlawfully modified important provisions of the [prior SMCRA Oversight Rules]." Complaint, at ¶ 3. Notably, the Plaintiffs previously challenged the 2020 version of the Oversight Rules (promulgated during President Trump's first term) for many of the same reasons, but ended that challenge when the Biden administration promulgated the 2024 version of the same rules.

OSM's 2026 revisions to its SMCRA Oversight Rules were indeed intended to return them largely to their 2020 form (the "2020 Rule"), "maintain[ing] SMCRA's deference to primary states and limiting the scope of [Ten Day Notice] issuance by OSM." (See *Environmental Alert*: "[OSM Finalizes Oversight Rules to Closely Resemble 2020 Version](#)"). Under SMCRA, a "Ten Day Notice" is issued to a state agency that is primarily responsible for administering that law's requirements (known as a "primacy state") whenever OSM determines that there may be a violation of the approved program at a particular mining operation permitted by the state. Oftentimes, such TDNs are requested by environmental groups who are heavily involved in numerous actions challenging coal mining in primacy states. As described in our February 25, 2026 *Environmental Alert*, in 2024 the Biden administration revised the 2020 SMCRA Oversight Rules by (among other things): (1) allowing citizens to report alleged SMCRA violations directly to OSM, without providing notice to the relevant state regulatory authority; and (2) "authoriz[ing] OSM to issue [Ten Day Notices] based on programmatic (rather than site-specific) concerns[]" (the "2024 Rule"). The 2026 Rule reversed these changes, along with others, noting that the 2024 Rule contributed to increased administrative costs and decreased efficiency. These are just two of several changes that are subject to this new legal action challenging OSM's 2026 regulations.

For questions about challenges to the revised SMCRA Oversight Rules or other issues arising under SMCRA and/or counterpart state programs, please contact Christopher B. (Kip) Power at (681) 265-1362 or cpower@babstcalland.com; Robert M. Stonestreet at (681) 265-1364 or rstonestreet@babstcalland.com; Joseph (Jed) Meadows at (681) 265-2111 or jmeadows@babstcalland.com; or your Babst Calland relationship attorney.