

# Wisconsin Institute for Law & Liberty: Sets the mining record straight

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November 1, 2017 - Milwaukee, WI - This morning the Wisconsin Institute for Law & Liberty's Center for Competitive Federalism released a new analysis, Flambeau Mining Company: A Case Study.

Following release of the Mining for America Act by Sen. Tom Tiffany (R-Hazelhurst) and Rep. Rob Hutton (R-Brookfield), certain groups immediately came out in opposition to the proposal. Some specifically argued the moratorium that the Act would lift was necessary in light of examples such as the Flambeau Mine in Ladysmith. They argue that the mine was found to have previously violated the Clean Water Act.

“Our analysis simply shows that while the trial court did find a de minimis violation of the Clean Water Act, it did so only because the federal law provided for strict liability, noted WILL Associate Counsel Jake Curtis. “The court also emphasized that none of the violations were serious in nature and in fact none of the discharges came close to meeting or exceeding the copper limit the DNR had imposed. Frankly, the court was shocked the plaintiffs spent so much time and energy litigating against a company that seemed every bit as committed as they were to protecting the environment and preserving water quality.”

“It is absolutely imperative that whenever policy makers take on important debates, they have access to the most accurate information,” observed WILL President Rick Esenberg. “Here we have attempted to set the record straight regarding the Flambeau litigation. As policymakers decide whether or not to lift the moratorium, they should have an accurate understanding of one of the key mining examples – the Flambeau Mine. It’s without dispute that the trial court offered a glowing analysis of the efforts of the operation and most importantly, any alleged violation was ultimately overturned by the Seventh Circuit. To say otherwise is simply not consistent with the record.”

For additional information regarding the Center for Competitive Federalism, including a full listing of its recent policy reports and model legislation, please visit the CCF page on the WILL website.