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ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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APRIL 20, 2026

**MEMORANDUM**

**TO:** Members of the Subcommittee on Environment
**FROM:** Environment Subcommittee Majority Staff
**RE:** Hearing entitled "Help or Hindrance? The Impact of U.S. Environmental Laws on Critical Material Supply Chains, National Security, and Economic Growth."

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## I. INTRODUCTION

The Subcommittee on Environment will hold a hearing on April 22, 2026, at 2:00 pm in 2123 Rayburn House Office Building. The hearing is entitled, "Help or Hindrance? The Impact of U.S. Environmental Laws on Critical Material Supply Chains, National Security, and Economic Growth."

## II. WITNESSES

- **Josh Gubkin,** Associate General Counsel, Redwood Materials;
- **Jane Neal,** Senior Vice President, AMG Vanadium;
- **Chris Lehman,** Chief Development Officer, Principal Mineral; and
- **Beia Spiller,** Fellow, Transportation Program Director, Resources for the Future.

## III. BACKGROUND

### A. Introduction on Critical Minerals

This hearing will examine how domestic pollution control laws, many of which were first enacted by Congress in the 1960s and 1970s, impact current efforts to secure critical material[1]

[1] Section 7002 of the Energy Act of 2020 defined the term "critical material" as "(A) any non-fuel mineral, element, substance, or material that the Secretary of Energy determines (i) has a high risk of a supply chain disruption; and

supply chains. The rise of environmental laws in the U.S. was not coordinated with other national energy, security, and industrial policies, which led to offshoring of mining and mineral processing and increasing dependence on foreign nations – both allies and adversaries – for critical minerals, chemicals, and other material inputs.[2] In 2025, the U.S. Department of the Interior identified 60 minerals as "essential for national security, economic stability, and supply chain resilience because they underpin key industries, drive technological innovation, and support critical infrastructure vital for a modern American economy."[3]

In 2008, the National Research Council first published a report highlighting the importance of certain minerals to national security and several industry sectors.[4] Technological advances have resulted in increasingly complex and multinational supply chains.[5] The United States faces serious supply chain vulnerabilities for minerals and materials essential to the industrial economy, national defense, and emerging technology sectors.[6] With the proliferation of increasingly advanced technologies, the United States's mineral needs will increase.[7] The defense industry requires minerals for military weapons systems, ammunition, and aerospace technologies.[8] Semiconductors, found in electronics, military equipment, medical devices, and automobiles are "mineral intensive," with those across various applications requiring minerals such as gallium, germanium, palladium, silicon, arsenic, and titanium.[9]

The People's Republic of China dominates the critical mineral industry, accounting for about 70 percent of all mining for rare earth elements (REE)[10] and 90 percent of separation and

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(ii) serves an essential function in 1 or more energy technologies, including technologies that produce, transmit, store, and conserve energy; or (B) a critical mineral." See, section 7002(a)(2) of the Consolidated Appropriations Act of 2020, Pub. L. No. 116-260. The law defined the term "critical mineral" to mean "any mineral, element, substance, or material designated as critical by the Secretary [but does not include] (i) fuel minerals; (ii) water, ice, or snow; (iii) common varieties of sand, gravel, stone, pumice, cinders, and clay." *Id*. at section 7002(a)(3). The law further directed the Secretary of the Interior to publish a list of minerals designated as "critical" and to review and update the list not less than every three years. *Id*. at section 7002(c).

[2] Gracelin Baskaran & Samantha Dady, *Minerals at War: Strategic Resources and the Foundations of the U.S. Defense Industrial Base*, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES (Jan. 2026), https://www.csis.org/analysis/minerals-war-strategic-resources-and-foundations-us-defense-industrial-base?utm_source=chatgpt.com#h2-enduring-lessons-from-twentieth-century-minerals-policy.

[3] Final 2025 List of Critical Minerals, Notice, 90 Fed. Reg. 50494 (Nov.7, 2025).

[4] National Research Council (NRC), *Minerals, Critical Minerals, and the U.S. Economy, 2008*, available at, https://www nationalacademies.org/units/DELS-BESR-21-P-363/publication/12034.

[5] *See* The White House, *Economic Report of the President*, 155-156 (2026).

[6] *Id*.

[7] Gracelin Baskaran & Duncan Wood, *Critical Minerals and the Future of the U.S. Economy 3*, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES (2025), https://www.csis.org/analysis/critical-minerals-and-future-us-economy.

[8] U.S. DEP'T. OF DEFENSE, Briefing for the Committee on Armed Services of the U.S. House of Representatives, Pursuant to the House Report 118-529, page 130, accompanying H.R.11 8-70, National Defense Authorization Act for Fiscal Year 2025, Substances Critical to National Security (February 2025).

[9] Gracelin Baskaran & Meredith Schwartz, *From Mine to Microchip: Addressing Critical Mineral Supply Chain Risks in Semiconductor Production*, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES (October 2024), https://www.csis.org/analysis/mine-microchip.

[10] REEs consist of 17 elements (metals) that have unique characteristics, such as magnetism, luminescence, and strength. Contrary to the name, rare earths are not 'rare." Rather, they are relatively abundant in the earth's crust but are highly scattered and usually found mixed together in other deposits. *See*, Karen Sutter, *Trade Dispute with China and Rare Earth Elements*, CONGRESSIONAL RESEARCH SERVICE, IF11259 (June 2019), https://www.congress.gov/crs-product/IF11259.

processing.[11] The United States relies entirely on imports for 12 of the 50 minerals on the Department of the Interior's 2022 list of critical minerals and is over 50 percent-reliant on imports for another 29.[12] China is the leading producer of 29 of those critical minerals.[13] Additionally, China dominates minerals processing, refining between 40 percent and 90 percent of the world's REEs, as well as the majority of graphite, lithium, cobalt, and copper.[14] Efforts to reshore the mineral processing supply chain will also depend on the ability to reliably secure the reagents and other chemicals and materials used in mineral processing, including sulfuric acid, hydrochloric acid, caustic soda, soda ash, and sodium chloride.[15]

China has already demonstrated its willingness to leverage strategically its supply chain dominance. For example, in 2023, China implemented export restrictions on gallium and germanium, for which the United States is almost entirely dependent on imports.[16] Additionally, in April 2025, China implemented an export licensing system for certain rare earth elements and rare earth magnets.[17] Several U.S. automakers were impacted by the disruption in the rare earth magnet supply. Supply chain vulnerabilities are not limited to critical minerals themselves. In April 2026, China announced restrictions on exports of sulfuric acid, which is a key input for mineral processing and agriculture.[18] The United States also relies on access to various chemistries for its healthcare, national defense, manufacturing, energy, infrastructure, and many other sectors.[19] Additionally, domestic chemical manufacturers and chemistry products support more than 4 million jobs.[20] Chemistry is essential to domestic manufacturing capacity and shortening supply chains, as the industrial sector consumes more than 80 percent of basic and specialty chemistries.[21] By 2033, chemical demand in the United States is projected to grow by

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[11] Gracelin Baskaran, *China's New Rare Earth and Magnet Restrictions Threaten U.S. Defense Supply Chains*, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES (October 2025), https://www.csis.org/analysis/chinas-new-rare-earth-and-magnet-restrictions-threaten-us-defense-supply-chains.
[12] Linda R. Rowan, *Critical Mineral Resources: The U.S. Geological Survey (USGS) Role in Research and Analysis*, CONGRESSIONAL RESEARCH SERVICE, R48005 (April 2024), https://crsreports.congress.gov/product/pdf/R/ R48005.
[13] *Id*.
[14] *Id*.
[15] Chris Nyikos, *et al*., *Reagent Supply Challenges to Realizing U.S. Critical Minerals Production Goals*, MINING ENGINEERING MAGAZINE (Nov. 2024), https://www.barr.com/insights/reagent-supply-challenges-to-realizing-us-critical-minerals-production-goals/.
[16] Baskaran and Wood, *supra* note 7, at 12.
[17] Tae-Yoon Kim *et al., With New Export Controls on Critical Minerals, Supply Concentration Risks Become Reality*, INT'L ENERGY AGENCY (Oct. 23, 2025), https://www.iea.org/commentaries/with-new-export-controls-on-critical-minerals-supply-concentration-risks-become-reality.
[18] Molly Parks, *China to Halt Export of Sulfuric Acid As World Faces Fertilizer Shortage from Hormuz Blockade: Report*, WASHINGTON EXAMINER (Apr. 10, 2026) available at https://www.msn.com/en-us/money/general/china-to-halt-export-of-sulfuric-acid-as-world-faces-fertilizer-shortage-from-hormuz-blockade-report/ar-AA20C7RT.
[19] AM. CHEMISTRY COUNCIL, *National Defense: Chemistry Critical to National Priorities* (Jan. 19, 2025), https://www.americanchemistry.com/chemistry-in-america/chemistry-creates-america-competes/resources/national-defense-chemistry-critical-to-national-priorities.
[20] Press Release, AM. CHEMISTRY COUNCIL, *Chemical Manufacturers Support Fixing Missteps and Making America a Manufacturing Superpower* (Mar. 12, 2025), https://www.americanchemistry.com/chemistry-in-america/news-trends/press-release/2025/chemical-manufacturers-support-fixing-missteps-and-making-america-a-manufacturing-superpower.
[21] Martha Gilchrist Moore, AM. CHEMISTRY COUNCIL, *The Global Demand for Chemistry is Growing. Can U.S. Policies and Regulatory Action Meet This Demand?* (Aug. 20, 2024), https://www.americanchemistry.com/chemistry-in-america/news-trends/blog-post/2024/the-global-demand-for-chemistry-is-growing-can-us-policies-and-regulatory-action-meet-this-demand.

nearly 15 percent, while chemical manufacturing capacity is expected to grow by only 10 percent.[22] China is already the world's largest chemical producer and will look to export markets to fill the gap between its production and consumption.[23] Similar to its actions involving critical minerals, China has also taken steps to limit global access to chemicals for strategic purposes.[24]

Mining and other crucial manufacturing sectors depend on access to important chemistries. As the United States seeks to "onshore" the production of important metals for products such as batteries, demand will also increase for key reagents used in the mineral extraction and recovery process.[25] Each mineral to be refined, including its specific ore type, requires tailored processing techniques.[26] For example, utilizing rare earth elements requires specialized chemical processes to isolate particular elements.[27] Artificial intelligence (AI) technologies depends on chipmaking with high-purity silicon, specialty gases, and advanced polymers.[28] Additionally, continued semiconductor innovation increasingly relies on specialized chemicals.[29] In the national defense sector, chemicals are needed to produce lightweight aircraft materials, specialized coatings, and propellants for space and missile systems.[30]

### B. Toxic Substances Control Act

United States policy governing chemical regulation has been cited as a challenge to securing supply chains and increasing domestic manufacturing capacity.[31] The Toxic Substance Control Act (TSCA) grants EPA broad authority to regulate the manufacture (including importation), processing, distribution, sale, use, and disposal of chemical substances, chemical mixtures, and articles containing chemical substances. Although the law was substantially amended in 2016, the EPA's process for approving new chemicals under section 5 is significantly slower than chemical regulators in other countries, and lengthy, unpredictable, and costly reviews impede global chemical suppliers in securing approval for their products in the United States.[32] In the semiconductor industry, for example, uncertainty and delays discourage suppliers from prioritizing the United States market and potentially disadvantage United States

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[22] *Id*.
[23] *Id*.
[24] Kip Keen, *China's sulfuric acid restrictions set to squeeze miners*, S&P Global (Apr. 15, 2026), https://www.spglobal.com/energy/en/news-research/latest-news/metals/041526-chinas-sulfuric-acid-restrictions-set-to-squeeze-miners.
[25] Nyikos, *et al., supra.*
[26] Baskaran & Wood, *supra* note 4, at 86.
[27] *Id*.
[28] AM. CHEMISTRY COUNCIL, *Chemistry: The Hidden Engine of AI, National Security, and Innovation* (Oct. 7, 2025), https://www.americanchemistry.com/chemistry-in-america/chemistry-creates-america-competes/resources/chemistry-the-hidden-engine-of-ai-national-security-and-innovation.
[29] *Computing Power and Competition: Examining the Semiconductor Ecosystem: Hearing Before the Subcomm. on Comm., Mfg., and Trade of the H. Comm. on Energy and Commerce*, 119th Cong. (2026) (statement of Jason Grebe, Senior Vice President Corporate Planning, Intel).
[30] *Strengthening America's Space Supply Chain: Built for Yesterday, Igniting Momentum for Tomorrow*, AEROSPACE INDUSTRIES ASSOCIATION (Mar. 2026), https://www.pwc.com/us/en/industries/industrial-products/library/assets/pwc-aia-space-supply-chain.pdf.
[31] *Id*. at 35.
[32] *Computing Power and Competition: Examining the Semiconductor Ecosystem: Hearing Before the Subcomm. on Comm., Mfg., and Trade of the H. Comm. on Energy and Commerce*, 119th Cong. (2026) (statement of Jason Grebe, Senior Vice President Corporate Planning, Intel).

manufacturers.[33] Delays and inconsistencies resulting from EPA's implementation of TSCA chill investment in new technologies, improved chemistries, and advanced materials needed for economic growth and national security.[34]

The 2016 amendments modified TSCA section 6 to require EPA to identify existing chemicals for priority reviews and to promulgate rules to manage unreasonable risks for specific conditions of use of such chemicals. For example, EPA's 2024 risk management rule for trichloroethylene was criticized by the electric vehicle battery manufacturers for using flawed scientific assumptions and imposing restrictions that would result in the closure of domestic manufacturers.[35] In another example, EPA released a risk evaluation in December 2024 that found formaldehyde, which is a colorless, flammable gas that is found almost everywhere and is produced when organic matter decays and through combustion, presents an unreasonable risk of injury to human health under its conditions of use.[36] The Department of War has described formaldehyde as a critical component in the manufacture of explosives and carbon-carbon components used in hypersonic weapons.[37] In December 2024, EPA announced the addition of vinyl chloride,[38] which is used in the manufacture of polyvinyl chloride plastic, and styrene,[39] which is used by the boating industry among other sectors, to the list of existing chemicals to undergo priority review under section 6.

### C. Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) provides a national framework for the management of solid waste and hazardous waste, including policies to promote the reduction of waste at the source, recycling, and energy recovery first before treatment and disposal. Over the years, significant questions have been raised about the regulatory definition of the term solid waste and the treatment of materials that are being burned to recover energy, or recycled to reclaim secondary materials, including critical minerals.[40] EPA established the "universal waste" rule to streamline the requirements for the collection and transportation of certain categories of hazardous waste, such as batteries.[41] EPA issued guidance in 2023 concerning treatment of lithium ion batteries under the universal waste rule and announced plans

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[33] *Id.* (statement of Jason Grebe, Senior Vice President Corporate Planning, Intel).
[34] *Chemicals in Commerce: Legislative Proposal to Modernize America's Chemical Safety Law, Strengthen Critical Supply Chians, and Grow Domestic Manufacturing: Hearing Before the Subcomm. on Environment of the H. Comm. on Energy and Commerce*, 119th Cong. (2026) (statement of Kimberly Wise White, Vice President, Reg. and Scientific Affairs, Am. Chemistry Council).
[35] *A Decade Later: Assessing the Legacy and Impact of the Frank R. Lautenberg Chemical Safety for the 21st Century Act: Hearing Before the Subcomm. on Envt. of the H. Comm. On Energy and Commerce*, 119th Cong. 130 (2025) (statement for the record of John Reeves, Chief Exec. Officer, Microporous).
[36] Formaldehyde; Risk Evaluation Under the Toxic Substances Control Act (TSC), Notice, 90 Fed. Reg. 316 (Jan. 3, 2025).
[37] U.S. DEP'T OF DEFENSE, Briefing for the Committee on Armed Services of the U.S. House of Representatives, Pursuant to the House Report 118-529, page 130, accompanying H.R.11 8-70, National Defense Authorization Act for Fiscal Year 2025, Substances Critical to National Security (Feb. 2025).
[38] Vinyl Chloride; Draft Scope of the Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment, 90 Fed. Reg. 4738 (Jan. 16, 2025).
[39] Initiation of Prioritization Under the Toxic Substances Control Act (TSCA), Notice, 89 Fed. Reg. 102903 (Dec. 18, 2024).
[40] See, *American Petroleum Institute v. EPA*, No. 09-01038 (D.C. Cir. July 7, 2017).
[41] Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program), Final Rule, 60 Fed. Reg. 25492 (May 11, 1995).

to undertake rulemaking to expand the scope of the universal waste rule to include lithium batteries and solar panels. These actions have caused confusion for the battery recycling industry, including over what the requirements are for the storage and recycling of "black mass," which includes lithium, cobalt, and other critical minerals recovered from these batteries.[42]

### D. Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as the Superfund law) provides authority for responding to releases or threatened releases of hazardous substances to the environment, and for the assignment of liability and responsibility for remediating the contamination.[43] The Government Accountability Office estimates there are about 140,000 abandoned hardrock mine sites in the United States.[44] There are more than 500 abandoned uranium mines on Navajo Nation lands. EPA and the Navajo Nation have identified 46 of these former uranium mines for priority cleanup. In addition, there are about 100 former hardrock mine sites across the country being cleaned up pursuant CERCLA.[45] EPA's Environmental Monitoring and Remediation Technology Assessment Initiative is evaluating the potential of remediation technologies as a way to recover critical minerals from mining waste at Superfund sites.[46]

### E. Clean Air Act

The Clean Air Act (CAA) provides EPA authority to regulate the emissions of certain air pollutants from stationary and mobile sources, including authority to regulate emissions of hazardous air pollutants and other emissions from industrial sources. For example, the Biden Administration issued a series of rules regulating air emissions from certain mineral smelting operations,[47] as well as chemical and plastic polymer manufacturers and commercial sterilization facilities that targeted ethylene oxide emissions.[48] Ethylene oxide is used to sterilize 20 billion pieces of medical equipment and plastic devices that cannot be sterilized by steam, including medical equipment and devices. In January 2025, the Biden administration established a process to solicit requests for compliance deadline waivers, pursuant to a national security waiver provision in CAA section 112(i)(4). On July 17, 2025, President Trump issued two proclamations exempting certain compliance deadlines from the sterilization rule and the chemical and plastic manufacturer rule in to promote supply chain security.[49]

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[42] See, Aaron Goldberg, Beveridge & Diamond, *New EPA Guidance on Lithium-Ion Batteries Leaves Critical Questions Unanswered* (Jun. 7, 2023), available at https://www.bdlaw.com/aaron-h-goldberg/publications/new-epa-guidance-on-lithium-ion-batteries-leaves-critical-questions-unanswered/.
[43] 42 U.S.C. § 9601.
[44] U.S. GOV'T ACCOUNTABILITY OFFICE, *Abandoned Hardrock Mines: Information on Number of Mines, Expenditures, and Factors That Limit Efforts to Address Hazards* (GAO: 20-238) (Mar. 11, 2020), https://www.gao.gov/products/gao-20-238.
[45] 42 U.S.C. § 9601.
[46] *See*, *Mining and mineral processing waste as potential feedstock for critical minerals*, EMRTAI, https://www.emrtai.org/about (last accessed Apr. 20, 2026).
[47] *National Emission Standards for Hazardous Air Pollutants: Primary Copper Smelting Residual Risk and Technology Review and Primary Copper Smelting Area Source Technology Review*, Final Rule, 89 Fed. Reg. 41648 (May 13, 2024).
[48] *Air Toxics Rule for Ethylene Oxide Sterilization Facilities*, Final Rule, 89 Fed. Reg. 24090 (Apr. 5, 2024).
[49] See, Presidential Proclamation, *Regulatory Relief for Certain Stationary Sources to Promote American Chemical Manufacturing Security* (Jul. 17, 2025), https://www.whitehouse.gov/presidential-actions/2025/07/regulatory-relief-

### F. Safe Drinking Water Act

The Safe Drinking Water Act[50] is the main federal law regulating drinking water and protecting drinking water sources. EPA regulations establish the maximum allowable levels for certain contaminants and require public water systems to treat drinking water so that it is safe for human consumption and use, including through the use of disinfectants. The COVID-19 pandemic highlighted supply chain vulnerabilities for the water utility sector, which relies on chemical supply chains to ensure access to safe, affordable, and reliable drinking water. In a 2023 report, EPA identified six water treatment chemicals as facing a moderate-to-high risk of future supply chain disruption: chlorine, sodium hypochlorite, disodium phosphate, phosphoric acid, sodium hydroxide, and DADMAC.[51]

Chlorine, for example, is a naturally occurring element, but it exists in combination with other elements, such as sodium chloride (table salt). To manufacture chlorine gas, electricity is applied to a brine mixture of sodium chloride and water (also known as the chlor-alkali process), which results in the liberation of chlorine gas and creation of two byproducts: caustic soda (also commonly referred to as sodium hydroxide) and hydrogen.[52] The majority of chlorine manufactured by the chlor-alkali industry is used as an input in the manufacturing processes for other chemicals such as polyvinyl chloride and pulp and paper, which can limit the supply for its use as a water disinfectant.[53] The chlor-alkali industry has historically used chrysotile asbestos in the manufacturing process but has been transitioning to alternatives as a result of public health concerns with asbestos exposure and regulation of asbestos under TSCA.

Chlorine and the five other chemicals EPA identified as being at risk of supply chain disruptions are used both directly in water treatment and as precursors in the production of other essential treatment chemicals, and several have experienced disruptions in the past.[54] More recently, supply chain disruptions have forced some water utilities to reduce the levels of fluoride in drinking water, a voluntary public health measure, due to conflict in the Middle East as Israel is a major supplier of fluorosilicic acid, a key chemical used for water fluoridation.[55]

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for-certain-stationary-sources-to-promote-american-chemical-manufacturing-security/; *see also*, Presidential Proclamation, *Regulatory Relief for Certain Stationary Source to Promote American Security with Respect to Sterile Medical Equipment* (Jul. 17, 2025), https://www.whitehouse.gov/presidential-actions/2025/07/regulatory-relief-for-certain-stationary-sources-to-promote-american-security-with-respect-to-sterile-medical-equipment/.

[50] 42 U.S.C. §§ 300f to 300j-12 (Supp. IV 1974).

[51] U.S. ENV'T PROT. AGENCY, Office of Water, *Understanding Water Treatment Chemical Supply Chains and the Risk of Disruptions* (EPA 817-R-22-004, Dec. 2022), available at https://www.epa.gov/system/files/documents/2023-03/Understanding%20Water%20Treatment%20Chemical%20Supply%20Chains%20and%20the%20Risk%20of%20Disruptions.pdf.

[52] AM. CHEMISTRY COUNCIL, Chlorine Manufacturing and Production, available at https://www.chlorine.org/what-is-chlorine/manufacturing/.

[53] U.S. ENV'T PROT. AGENCY, Chorine Supply Chain – Executive Summary, available at https://www.epa.gov/system/files/documents/2023-03/Chlorine%20Supply%20Chain%20Profile_0.pdf.

[54] U.S. ENV'T PROT. AGENCY, Office of Water, *Understanding Water Treatment Chemical Supply Chains and the Risk of Disruptions* (EPA 817-R-22-004, Dec. 2022), available at https://www.epa.gov/system/files/documents/2023-03/Understanding%20Water%20Treatment%20Chemical%20Supply%20Chains%20and%20the%20Risk%20of%20Disruptions.pdf.

[55] Chuck Brown, *WSSC Water Temporarily Reduces Fluoride Levels in Drinking Water Due to Nationwide Supply Chain Disruptions*, WSSC Water (Apr. 7, 2026).

The Safe Drinking Water Act also provides EPA authority to regulate the protection of ground water as a source of drinking water. Section 1421 established the Underground Injection Control program to protect underground sources of drinking water from contamination by the placement of fluids underground for storage or disposal. Class III wells are used to inject fluid to dissolve and extract minerals, including salt, uranium, copper and sulfur. Production wells bring the solution to the surface for processing.

## IV. RECENT ACTIONS

### A. EXECUTIVE ORDERS

1. Executive Order 13817, *A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals*: Outlined updated national policy to reduce vulnerability to supply chain disruptions; to increase activity at all levels of the supply chain for critical minerals, including concentration, separation, recycling, and reprocessing; and to streamline permitting for related activities.[56]

2. Executive Order 13953, *Addressing the Threat to the Domestic Supply Chain From Reliance on Critical Minerals From Foreign Adversaries and Supporting the Domestic Mining and Processing Industries*: Highlighted the importance of critical minerals to national security and raised concerns that the People's Republic of China is exploiting control over key supply chains. Directed the Secretaries of State, Interior, and Commerce to take actions to strengthen domestic supply chains for critical minerals.[57]

3. Executive Order 14154, *Unleashing American Energy*: Prioritized development of domestic energy sources to lower energy costs and strengthen national security. Directed the Secretaries of Interior and Agriculture, the Administrator of the Environmental Protection Agency, and the Chairman of the Council on Environmental Quality to identify agency actions that impose undue burdens on domestic mining and mineral processing and to reduce those burdens.[58]

### B. PREVIOUS COMMITTEE ACTIVITIES

1. Hearing: *Examining Ways to Enhance Our Domestic Critical Mineral Supply Chains*, Subcommittee on Oversight and Investigations.[59]

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[56] Exec. Order No. 13817, 82 Fed. Reg. 60835 (Dec. 20, 2017).
[57] Exec. Order No. 13953, 85 Fed. Reg. 62539 (Oct. 5, 2020).
[58] Exec. Order No. 14154, 90 Fed. Reg. 8353 (Jan. 29,2025).
[59] *Examining Ways to Enhance Our Domestic Critical Mineral Supply Chains*, Hearing Before the H. Comm. Energy and Commerce, May 21, 2025.

2. Hearing: *Examining EPA Efforts to Limit Chemicals Needed for Life-Saving Devices and Other Essential Products, Subcommittee on Environment, Manufacturing, and Critical Materials*.[60]

3. Hearing: *Securing America's Critical Materials Supply Chains and Economic Leadership*, Subcommittee on Environment, Manufacturing, and Critical Materials.[61]

### C. LEGISLATION

1. Securing America's Critical Mineral Supply (SAMS) Act, HR 4370, introduced by Rep. Palmer;

2. Streamlining Critical Mineral Permitting Act, HR 3059, introduced by Mr. Carter (GA);

3. Spent Petroleum Catalyst Recycling and Critical Minerals and Metals Recovery Exemption Act, HR 7523, introduced by Mr. Balderson; and

4. Legacy Mine Cleanup Act, Legacy Mine Cleanup Act, H.R. 3713, introduced by Reps. Crane and Stanton.

### D. ISSUES TO DISCUSS

- Should there be a federal framework to identify and secure supply chains for chemicals that are critical to the U.S. economy and national security, similar to what the U.S. government has developed for critical minerals?

- What changes to RCRA and other environmental laws may be needed to support the domestic recovery and recycling of critical minerals from lithium ion batteries and other goods containing critical minerals?

- How are national security exemptions in environmental laws used and are they sufficient to protect critical supply chains?

### E. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Byron Brown or Christen Harsha of the Committee majority staff at (202) 225-3641.

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[60] *Examining EPA Efforts to Limit Chemicals Needed for Life-Saving Devices and Other Essential Products*, Hearing Before the H. Comm. Energy and Commerce, Oct. 18, 2023.
[61] *Securing America's Critical Materials Supply Chains and Economic Leadership*, Hearing Before the H. Comm. Energy and Commerce, June 11, 2023.