To: Albemarle King’s Mountain

Attn: Sarah Degnan

Re: Comments on Albemarle’s Scoping Report for the Kings Mountain Mine: Environmental and Social Impact Assessment

Thank you for the opportunity to provide comments on Albemarle’s Environmental and Social Impact Assessment (ESIA). The North Carolina League of Conservation Voters (NCLCV) appreciates the proactive engagement of Albemarle with environmental organizations and provides the following comments and suggestions in response to the release of the ESIA. We look forward to Albemarle’s response to our suggestions and plan to have continued engagement on this project. We admire Albemarle’s commitment to adhering to all standards outlined by the Initiative for Responsible Mining Assurance (IRMA). Our recommendations are made with the structure and needs of IRMA in mind to improve education, working conditions, and accessibility on this project moving forward.

**Education and Outreach:**

First, we would like to acknowledge the high standard that Albemarle is setting with their proactive and extensive outreach processes to communities and groups throughout the state. This outreach has undoubtedly taken time and effort, and we appreciate the work that has been done and will continue throughout this project. NCLCV works with and through BIPOC and low-income communities throughout the State, so we have firsthand experience communicating with folks struggling to put food on the table and keep their lights on. One consistent theme we hear from the communities we work in is that individuals do not have time or resources to do detailed investigations into new developments in their area. We would love to see a more accurate summarization of the written documentation to make this report accessible for folks that may not have time to attend community meetings or in person events. Albemarle does have a non-technical summary that is more easily digestible for community members than a 100+ page scoping report, but we noticed key pieces of information found in the scoping report were not reflected in this overview document. For instance, information about the scope of water quality testing was not present in the summary document, and it was found over 50 pages into the full scoping report. This information is critical for folks concerned about their drinking water and should be immediately accessible in written documentation. We highly recommend that a more technical summary of materials is also available in this same format.

One aspect of the scoping report we recommend expansion for is housing, specifically engagement of affordable housing groups. In the scoping report, Albemarle notes that most of the housing in the area is near maximum (>90%) capacity. While we know Albemarle is working with community colleges to train local workers on mining operations, some positions within an operating mine are highly technical. This often requires workers from out of state to temporarily relocate to fill those positions, putting strain on existing housing markets and driving up prices for local residents. We would like to see thoughtful planning around local development including affordable housing groups to improve long-term housing needs without excessive development of local lands.

**Role of Citizen Science:**

 With any new industry, there will be community concerns, questions, and ideas on how the project will integrate itself into the local landscape. From the materials we have previously seen along with the information provided to us at the Albemarle headquarters, it seems this project has a strong iterative cycle of community feedback and substantive changes to project plans. However, we see an opportunity to further engage interested and affected community members and suggest consideration of citizen science in Albemarle’s scoping operations. In the well water testing section of the scoping report, there were multiple notes of unconfirmed wells. It was not clear in the report whether these unconfirmed wells have been discussed with the community, but learning from landowners’ lived experiences can be vital to understanding local history and land use. Also, equipping members of the community relying on well water with the knowledge and equipment to test their water as needed can improve monitoring data and can build community trust in Albemarle’s intentions and actions. We recommend collaborating with a local environmental group to host a workshop for residents on the importance of water testing and walking interested folks through practical ways to test their water for safety. Relying on the validity and consistency of external information can be challenging, but we believe residents that are empowered to monitor their own water can be just as effective in preventing contamination as the internal tests Albemarle will be running.

**Scope of Contamination:**

Considering the past uses of the site and the tests by which Albemarle plans to document historical and ongoing contamination, we would like to recommend two additional criteria for the scope of impacts. First, we understand how challenging it may be to separate the current and future environmental impacts on the KKM and TSF sites from the legacy impacts of lithium and mica mining. We recommend that to the extent possible, Albemarle document historical contamination alongside current operations to give the community an understanding of how long prior contamination may have been present and to collect data on how current contamination may exacerbate conditions. For environmental groups like mine, knowing the history and extent of a site’s damage is critical for estimating cumulative impacts of pollution. Again, we know this is challenging to do considering the environmental information available, and we appreciate Albemarle’s extensive scope already embedded into the project.

 Regarding the scope of water quality testing, we have two clarifying questions from the scoping report. First, we noticed that water was tested for PFAS but there was no mention of what type(s) of PFAS were found, if any. We would also like to know whether PFOA was tested for and found. Other results of water quality indicators were mentioned in the report, so we want to ensure that the severity of PFAS contamination is well documented moving forward. Second, we would like to more clearly understand the physical parameters that Albemarle is using to monitor groundwater. Contamination in groundwater is incredibly difficult to stop and can have far-reaching impacts outside of the site zone. We would like to know how and where within the Area of Influence and the Indirect Area of Influence Albemarle plans to monitor groundwater.

**Labor Relations and Supply Chain Considerations:**

The League of Conservation Voters, the national environmental organization of which NCLCV is an affiliate, is well known for its close alignment with labor groups, as we firmly believe that the transition to clean energy cannot be accomplished without well-trained, well-paid workers that are free to bargain and safe from workplace harms. We fully support the comments submitted by the Blue-Green Alliance on this project and we look forward to continuing discussions on the engagement of labor for Albemarle’s impending project.

One of the critical requirements in the IRMA standards is related to fair labor and terms of work requirements. This includes an obligation by the mining company to “inform workers that they are free to join a workers’ organization of their choosing without any negative consequences or retaliation from the company," as well as other related provisions. In the current draft of your ESIA Scoping report, however, there is no language to inform potential workers of this. We feel that the workers at this mine, or any mine, would likely be the first to encounter any potential environmental harm to the broader community. And we feel that with union representation these workers will feel safer in reporting any such instances. We are hopeful you can address this in your future ESIA Report due out in October of this year.

We also believe there should be procedures developed and implemented that outline steps to be taken by workers, contractors, internal inspectors, or others, to inform Albemarle and any appropriate regulatory body of unwanted events, unsafe working conditions, or environmental hazards or damage. Workers should have the ability to immediately stop work if conditions pose an imminent and serious danger to the health or safety of themselves or others, or serious risk of harm to the environment.  These measures are important, not only for the health and safety of the workers at the mine, but also to protect the community of Kings Mountain and the surrounding area from any potential environmental hazards. In addition, workers and community members should have whistleblower protections in place to ensure that any risks or concerns regarding the unlawful or unethical activity that may come to light at any time during the process are able to be freely reported without fear of repercussions.

Next, we strongly support long-term economic sustainability for the entirety of North Carolina. We know that all extractive industries have a project lifespan, meaning this mine will not be indefinite and benefits to the region will end upon closure and reclamation of the mine site. The scoping report documents the history of King’s Mountain as a textile manufacturing town and notes the economy slowed when these industries left. Mining operations have a tendency to follow this path as well, since this is an inherent quality of boom-bust industries. We would like to understand longer term plans for maintaining economic well-being, including but not limited to connecting workers with future employment and discussions with local government about the long-term implications to tax base changes a boom-bust project may have. There is undoubtedly a fine line between improving the community and causing reliance on a singular industry like King’s Mountain has already experienced.

Finally, we would like for the scoping report to include research and projections of Albemarle’s potential role in a domestic supply chain, specifically in North Carolina. We are confident that Albemarle has entered into contracts with companies looking to procure lithium. Use of lithium nationwide will certainly skyrocket, and we would like to make sure at least a portion of the materials mined in the state will either stay here for consumer use or will ultimately return here. The Southeast is rapidly expanding in its capacity for battery and electric vehicle production, and that begins with the raw materials coming from sites like Albemarle’s. We strongly recommend that North Carolina’s residents, businesses, and communities are prioritized throughout this supply chain to the extent Albemarle can control. We look forward to observing this work and supporting it with organizational resources when applicable.

**Environmental Justice and Indigenous Engagement:**

An additional point of clarification we would like to see in this scoping report is the responses from environmental justice (EJ) communities and Indigenous stakeholders. Throughout the report, Indigenous lands and tribes were mentioned and reportedly engaged with, but it was not clear to us what that engagement looked like. Engaging with tribes that are both State-recognized and not yet recognized is critical to honor their influence on the historical landscape and to equitably include Indigenous stakeholders. We recommend a more thorough outline of this engagement and would like to learn about challenges Albemarle has encountered with engaging BIPOC communities.

On environmental justice communities, we are currently unsure if there is a confirmed environmental justice community in the Areas of Influence Albemarle is operating within. We recommend a clear determination of this and would like to learn more about the process by which Albemarle is engaging these groups. For instance, page 71 of the scoping report mentions outreach was done with the NC Department of Environmental Quality. While we are thankful the State has partnered with Albemarle on this engagement, we also know that BIPOC, underserved, and/or EJ communities hold distrust towards governmental entities and large corporations. This distrust stems from systemic racism and is difficult to resolve. We recommend partnering with community-based organizations and service providers in the area to connect with EJ groups in addition to governmental outreach.

**Accessibility and Terminology:**

 As a small note on accessibility, some of the text in this document is coded green to note a potential significant impact. Green is a color commonly associated with positive impacts, but we note that many resources will actually be negatively affected. For instance, there is a strong potential for groundwater contamination noted in this section, but folks skimming the document may see the color green and conclude this impact is positive. Green is also not visible by colorblind individuals. While changing the text color is a small change, we believe consistent and honest messaging is critical for a large project like this.

Finally, from the perspective of an environmental group like NCLCV, “sustainable” is not a term we would associate with an extractive industry like mining. We view responsible production of minerals required for the clean energy transition as a vital operation, but we urge caution and discretion of the use of “sustainable” in association with mining as an industry. We recommend consistent use of the term “responsible” in alignment with the intentions of IRMA.

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Thank you for receiving our suggestions and plan to continue our engagement with this project to support responsible resource development to further a domestic clean energy supply chain in the Carolinas. I am happy to answer questions or comments on our suggestions and look forward to receiving a response.

Best,



Michelle (Meech) Carter

Clean Energy Campaigns Director

North Carolina League of Conservation Voters