

Published on *American Geosciences Institute* (<https://www.americangeosciences.org>)

Home > Supreme Court will not review Department of the Interior coal-export fee

Supreme Court will not review Department of the Interior coal-export fee

On May 19, the Supreme Court of the United States (SCOTUS) declined to hear a challenge to the Department of the Interior's (DOI) rule charging coal companies fees for exporting coal. A federal appellate court ruling upholding the fee stands following SCOTUS' decision not to hear arguments in *Aracoma Coal Company v. United States* (No. 13-941).

Coal producers sought review of a regulation under the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87) that requires coal companies to pay a fee to DOI based on the total weight of extracted coal. The fee is assessed after the coal is sold rather than when it is mined, which producers argue is unfair.

Opponents of the regulation state that coal producers are overcharged because the weight of additives and other ingredients is included in the final measure. DOI counters that assessing the fee after extraction allows for impurities in the coal to be removed. Federal appellate judges ruled on May 13 in a similar case that weighing coal at the time of sale yields a more accurate measure and leads to less total fees.

Sources: E&E News, Supreme Court of the United States
