



CRITICAL MINERAL MINING ON U.S. PRIVATE LANDS: LABOR RIGHTS AND WORKING CONDITIONS

FACT SHEET

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Mining workers and communities near private land operations often face gaps in protections. In some regions, workers may earn wages below local living costs, and contractors sometimes lack basic safeguards. Opportunities for workers to participate in safety decisions can be limited, and communities may not always receive lasting economic benefits from mining. Some studies suggest that mines with strong labor standards have fewer injuries and greater workforce stability. Establishing living wage requirements, equal protections for contractors, worker safety committees, and community benefit agreements are key steps to advancing critical mineral development that protects both people and wildlife.

What Are Labor Rights in Critical Mineral Mining?

Labor rights in mining include essential protections that ensure safe, fair, and dignified jobs. These rights cover the ability to organize, earn a living wage, work in safe conditions, be free from discrimination, and participate in health and safety decisions. As the United States increases mining for lithium, copper, rare earths, and other critical minerals needed for clean energy, protecting worker rights is necessary to build reliable and responsible supply chains.

Critical mineral mining presents specific hazards for workers. Rare earth element extraction often involves toxic chemicals and may generate radioactive waste.¹ Copper mining can result in long-term exposure to silica dust, which is associated with

increased risk of respiratory disease.² Addressing these risks is necessary to protect worker health and safety. Key stakeholders include approximately 221,000 U.S. mining workers, many of whom are nearing retirement.³

What Are Community Safety Standards in Mineral Mining?

Strong community safety standards and benefit programs are essential for environmental justice in critical mineral development. Communities that host mining operations can face both environmental risks and economic challenges. Although these regions are resource-rich, some local communities report receiving limited lasting benefits and experiencing significant pollution and ecosystem degradation. Without basic worker and community protections, there is an increased risk of reduced safety measures, lingering pollution, or economic boom-bust cycles that can negatively affect communities after mining ends.

Stable, well-paid jobs can empower workers to advocate for environmental safeguards and support company accountability for responsible operations and cleanup. The National Wildlife Federation supports mining practices that protect people and wildlife, aiming for a clean energy transition that benefits communities and conserves natural resources.

Why Labor Rights Matter for Private Land Mining

- **Regulatory gaps lead to inconsistent protections.** Mining on private land often does not require federal environmental review and is subject only to state oversight. In contrast, public land projects must comply with the National Environmental Policy Act. As a result, community protections vary by location.
- **Workforce stability supports supply chain security.** Labor disputes, high turnover, and worker shortages disrupt mineral production. The number of mining engineering programs in the U.S. fell from 25 to 14 between 1982 and 2014.⁴ When Albemarle cut 300 jobs in Nevada in 2024, the region lost technical skills that require years to rebuild.⁵
- **Worker rights and environmental justice are linked.** Over half of global critical mineral projects impact Indigenous territories, and most U.S. lithium projects affect Tribal lands.⁶ Nevada's Thacker Pass project highlights these issues: promises of job creation exist, but ongoing concerns about Tribal consultation, contractor protections, and environmental impacts remain.
- **Strong protections may contribute to competitiveness.** Some reports indicate that union mines have fewer serious injuries and lower fatality rates.⁷ Paying living wages can help reduce turnover and support productivity.⁸ Countries such

as Australia and Canada are often cited as examples of competitive mining industries with strong labor protections and safety standards.⁹

Current Policy and Gaps

Federal Framework

The National Labor Relations Act (1935) grants basic organizing rights but allows employer practices that are prohibited in other developed countries. The Fair Labor Standards Act establishes a \$7.25 federal minimum wage (unchanged since 2009), which is well below the living costs in mining regions.¹⁰ The Mine Safety and Health Act (MSHA) (1977) mandates inspections, but MSHA employs only about 1,800 inspectors nationwide.

State Variations and Private Land Gaps

Nevada, the leading lithium producer, has a minimum wage of \$12.00, which is 50 percent below the \$23.85 living wage for single adults.¹¹ Other mining states show similar trends. Arizona's minimum wage is \$14.70, but union membership in mining is only 3.7 percent.¹² Minnesota has stronger protections, but private operations may opt out. Private land mines may be exempt from federal environmental reviews, are regulated only by state standards, and often lack requirements for equal treatment of contract workers.

Voluntary Standards

The Initiative for Responsible Mining Assurance (IRMA) is a globally recognized mining standard that sets best practices for environmental stewardship, Indigenous rights, community consent, and worker protections, requirements largely absent from U.S. private land mining regulations. For example, the IRMA Mining Standard requires companies to develop collaborative planning processes for benefit sharing and deliver community benefits. If requested by the community and not already provided by public authorities, IRMA requires that mining companies offer assistance to facilitate effective stakeholder engagement.¹³

Mining operators may also voluntarily negotiate community benefit agreements (CBAs). For example, the Good Neighbor Agreement at the Stillwater and East Boulder Mines in Montana is a unique agreement between the mine and three non-profit citizens groups which has been in place for 25 years. This legally binding agreement protects local watersheds from environmental degradation, mitigates impact of the influx of mine workers, provides local communities with access to information about the operation and sets aside company funding for mining and water experts to advise the local organizations.

Four Critical Policy Gaps

Gap 1: Living Wage Standards

Minimum Wage vs. Living Wage in Key Mining States

State	Minimum Wage	Living Wage (Single Adult)	Gap
Nevada	\$12.00	\$23.85	50%
Arizona	\$14.70	\$20.35	28%
Minnesota	\$11.13	\$19.42	43%

In key mining states, minimum wage falls significantly short of what single adults need to cover basic living costs, leaving workers in resource-rich regions struggling to make ends meet.

Union workers earn about 20 percent more than non-union workers, but private land mining operations are not required to pay wages that meet local living costs.¹⁴ This wage gap forces mining workers to choose between multiple jobs, long commutes from more affordable areas, or inadequate housing, undermining both workforce stability and community well-being. When workers can't afford to live near job sites, companies face higher turnover, training costs, and difficulty recruiting skilled labor, while nearby communities miss out on the economic benefits that stable, well-paid employment brings.

Gap 2: Contractor Protections

Mining operations increasingly rely on contractors for workforce flexibility, which creates gaps in training, benefits, organizing rights, and accountability. The 2024 Department of Labor rule clarifies employee versus contractor status, but enforcement is challenging, especially when contractors work on-site for extended periods without employee protections.¹⁵ These gaps leave contract workers more vulnerable to unsafe conditions and make it harder to hold companies accountable when injuries occur. Without equal protections, contractors often face higher injury rates and lack access to the health monitoring and grievance procedures that could prevent long-term harm—undermining both worker safety and the stability of the mining workforce.

Gap 3: Worker Safety Participation

Workers at private land mines often do not have a meaningful role in safety decisions. MSHA rules do not require worker-elected safety committees, individual authority to stop unsafe work, or worker participation in incident investigations. The International Labour Organization (ILO) establishes global workplace standards through conventions, binding international treaties that set minimum protections for workers. These eight core conventions cover fundamental rights including freedom of association, collective

bargaining, and workplace safety. The United States has ratified only 2 of 8 core ILO conventions, while most developed countries have ratified 6 to 8.

Gap 4: Community Benefit Planning and Coordination

Community opposition to mining operations often takes the form of activism, protests, and sometimes litigation over permitting decisions. While these actions can delay mining projects, they rarely lead to community influence over project design or benefits. As domestic mining expands to meet demand for critical minerals, voluntary collaboration between mining operators and communities will be essential to support community well-being.

NWF Policy Recommendations for Responsible Private Land Mining

Recommendation 1: Establish Living Wage Standards

- Amend the Fair Labor Standards Act to require essential mineral operations to pay wages that meet local living costs, using the MIT Living Wage Calculator as a benchmark, and provide additional compensation for hazardous work. States can adopt prevailing wage requirements for permitted or incentivized projects. Paying living wages reduces turnover and increases productivity, which can offset higher costs.

Recommendation 2: Ensure Equal Treatment of Contract Workers

- MSHA could require mining operations to provide contractors with the same safety training, equipment, grievance procedures, and health monitoring as direct employees. Sites with significant contractor workforces should certify compliance annually. Congress should clarify employee versus contractor classification for workers who spend extended periods on mine sites.

Recommendation 3: Expand Worker Safety Participation

- Operations should establish joint labor-management committees with elected worker representatives who have authority to address immediate dangers. Protect whistleblowers with financial rewards for reporting serious hazards and implement tougher anti-retaliation rules. Involve workers in accident investigations with access to independent experts.

Recommendation 4: Voluntarily Negotiated Community Benefit Agreements (CBAs)

- Mining operators and community groups should negotiate community benefit agreements to support community well-being while longer-term policy changes are developed. Although CBAs do not replace policy reform, they can be legally binding and include provisions for environmental protections, local hiring, and dispute resolution.

Conclusion

Labor rights, safe working conditions, and community health protections are essential for sustainable domestic critical mineral development. Mining has often left communities with environmental damage and economic hardship. Prioritizing strong labor standards can help build reliable supply chains and protect people and wildlife. Mines that provide fair wages, equal protections for contract workers, robust safety standards, and meaningful community benefit agreements support a just and beneficial clean energy transition. Achieving these goals will require action at the federal, state, and local levels, as well as voluntary adoption of best practices. The future of clean energy depends on mining that strengthens communities and natural environments.

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Endnotes

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