



# Winds of Change

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Huntington, WV

OVEC

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## Tyler County Well Pad Menaces Neighbors

In July of 2013, Bill Hughes sent a detailed e-mail to the owner-operator of Jay-Bee Oil & Gas' Lisby Marcellus Shale gas operation. The well pad is about six miles southeast of Middlebourne, on Big Run Road in Tyler County, WV, and it's been a problem for people living nearby since the operation "first pushed dirt," Hughes says. The e-mail begins:

*Mr. Broda,*

*Since we have never met, some introductions and background are called for. The Wetzell County Action Group was loosely formed about five years ago in response to the significant problems caused by the... unplanned, haphazard, uncoordinated, poorly managed approach that CHK took in their early Marcellus drilling operations here. Our first well was drilled here six years ago. Since then WCAG has given tours of active Marcellus shale gas fields to over 400 visitors. We have also given possibly 80 or more PowerPoint presentations ... in five states.*

*At various public hearings and legislative meetings on Marcellus topics, we have gotten to know and exchange information with IOGA-WV's (Independent Oil and Gas Association) Charlie Burd. The main drift of my comments to him have*



Above: Bill Hughes uses Google Earth images to gain perspective on the JB operation. Right: Hughes monitors and photographs the site.



*been the many examples where it seems to me that the gas industry folks are their own worst enemies. Sometimes their highly visible, inappropriate community actions, behaviors, and omissions make it more difficult for the gas companies and their trade associations to make the case that they are good neighbors. Frequently, they are not. In that vein, a few days ago, I discussed your Lisby operation in general terms with Charlie and he asked, and I agreed, that I would give you the opportunity to evaluate, address, and remediate the problems there, before I disseminate them to much*

*wider audiences and agencies.*

Hughes goes on to detail a list of concerns over the Lisby pad, including diesel emissions from an old, "visibly filthy" drilling rig, construction and maintenance problems with the drill pad design versus the plans on file for the permit, drainage and containment problems and extensive mud on the public roadway.

Jay-Bee's Randy Broda did briefly and dismissively respond to Hughes, who says, "One of the more interesting responses is that the old, junk, diesel-spewing engine used for vertical drilling, was going to be rebuilt after they used it on his well pad at

*continued on page 22*

### Inside This Winds of Change

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# Mountaintop Removal Is...

by Ann Pancake

Mountaintop removal is looking up each morning at a landscape you had around you every day of your life and seeing your horizon gone.

Mountaintop removal is your kids sleeping with their clothes on at night so they'll be ready to run when the flash flood comes.

Mountaintop removal is patching blast-cracks in your ceiling and foundation and storing away the fragile family photographs that used to hang on your walls.

Mountaintop removal is watching cancer strike neighbor after neighbor while you hold your breath over whether it will hit your loved ones next.

Mountaintop removal is sacrilege.

Mountaintop removal is murder.

Mountaintop removal is suicide.

Mountaintop removal is the wholesale annihilation of an entire ecosystem for the purpose of generating greatest corporate profits.

Mountaintop removal does not "create jobs."

Mountaintop removal is not "necessary for our nation's energy independence."

Mountaintop removal does not "provide much-needed flat land for development."

Mountaintop removal is an apocalyptic distillation of what happens when money is prioritized over life. When corporate capitalism runs "democracy."

**Mountaintop removal is not just an Appalachian "issue." Mountaintop removal is prophecy, an especially brutal and naked version of what will happen elsewhere if our nation continues to be governed by economic interests instead of human interests.**

But mountaintop removal is also the panicked death throes of a doomed industry, the last desperate plundering before its demise.

Mountaintop removal has politicized people who never thought about politics. It has awakened us, after a long sleep, to the ways we are intimately connected to and dependent on all other species and elements of this earth. Mountaintop removal has taught us we must change how we live and we must make that change ourselves because our governments have abandoned us, but that's all right, because ultimately, we will forge a new way.

**Mountaintop removal is that dark night of the soul we must pass through on our way to a transformed society that honors, above all else, life. 🍌**

*OVEC is proud to count writer Ann Pancake as one of our long-time members. If you haven't read her novel, *Strange as This Weather Has Been*, we highly recommend that you do. The cover features the life-sized sculpture Gaia (a detail of the sculpture is in the graphic above) by Jeff Chapman Crane of Kentucky. At our request, for use on our website, Pancake offered up the above definitions of mountaintop removal coal mining.*

# A Model for Communities Nationwide

Several years ago Jason Fults contacted OVEC and other groups working to end MTR, asking us to send information on this odious coal mining practice. Fults, who had witnessed MTR firsthand in Kentucky, co-founded Gainesville (FL) Loves Mountains (GLM) and stayed in touch with Appalachians, asking for speakers, letters, petitions and signers, all in support for a campaign the group was waging. The group sought to have local authorities ban the Gainesville Regional Utilities from purchasing coal mined via MTR.

*On April 28, GLM sent this e-mail to supporters:*



*Thanks to those folks in the Sunshine State who are helping the Mountain State keep more of our mountains.*

*Our sincerest gratitude to everyone who has signed our petition, contacted our City Commission, and helped spread the word about this campaign. We've made an important step forward and victory is within sight. With your continued support, we can end our community's use of mountaintop removal (MTR) coal and set an example for other coal-consuming*

*communities throughout the region.*

*On April 17, the Gainesville City Commission heard the voices of our brothers and sisters in Appalachia who have spent decades combating the poisonous repercussions of MTR. The spirits of Judy Bonds and Larry Gibson, both of whom visited Gainesville and inspired our movement, were in the Commission chamber standing with us.*

*Many of the local citizens who gave testimony were first-time attendees at a Commission meeting. Others drove from nearly an hour away because of their heartfelt commitment to this issue. They were young and old, and many of them had roots in West Virginia and Kentucky. Led by Commissioner Lauren Poe, and moved by the passionate testimony of dozens of citizens, the Commission voted unanimously to direct the City Attorney to draft a resolution condemning MTR "...and the resulting environmental, social and economic devastation incurred by such practices."*

*The Commission also voted, by a 5-2 majority, to direct our utility's General Manager to help draft a policy that states "...Gainesville Regional Utilities (GRU) will no longer purchase coal sourced from MTR operations, and will from the effective date forward only purchase performance or compliance coal from the Central Appalachian region from deep mine operations." Both the resolution and the policy will need to come before the Commission again for final approval.*

Learn more, including how to get involved, at: <http://bit.ly/1hpT4Cr>. 🍎

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**When you're finished with this newsletter - PASS IT ON!**

# Legal Victories Over Selenium Pollution in Mingo, Raleigh

by Dianne Bady

We are convinced that mountaintop removal coal mining is profitable for companies only because state and federal agencies have allowed routine violations of laws and regulations. If MTR companies were forced to pay more of their true costs, it would not make economic sense for this community-obliterating and health-threatening method of mining to continue.

One of the ways OVEC and our members fight mountaintop removal is by forcing companies to clean up their illegal pollution and pay big penalties for their fouling of West Virginia's streams.

In April, thanks to our great legal team at Appalachian Mountain Advocates, we had two big victories. Federal Judge Robert C. Chambers ruled that Alpha Energy's Brushy Fork sludge impoundment in Raleigh County is discharging illegal levels of selenium into West Virginia waters. And a week later Judge Chambers ruled that CONSOL of Kentucky's Peg Fork mountaintop removal mine in Mingo County is violating selenium water standards. As we go to print, the judge has not decided on the penalties or on court-ordered pollution treatment systems.

In our past selenium legal wins, mountaintop removal companies have been ordered to spend as much as \$42 million on selenium treatment. (However, costs are coming down somewhat on these systems that were developed specifically to meet court requirements resulting from our litigation.)

Alpha Energy's Brushy Fork sludge impoundment case was brought by OVEC, Coal River Mountain Watch, WV Highlands Conservancy and the Sierra Club. If West Virginia's regulatory agency were doing its job, we never would have had to bring this lawsuit. In fact, DEP recently renewed Alpha's permits for the Brushy Fork site.

"It's a shame that community groups have to do the work of regulatory agencies," said Vernon Haltom, Coal River Mountain Watch's executive director.

West Virginia's politicians work hand in hand with the mountaintop removal industry to try to fight our litigation. According to the *Charleston Gazette*, Steve Higginbottom, a spokesman for Alpha, said the company still believes that a West Virginia law passed in 2012 should have



shielded the company from the Brushy Fork citizen lawsuit. (See page 4 of the December 2013 Winds of Change for an article on recent state laws passed to protect the MTR industry.)

Judge Chambers accepted our evidence of selenium violations found in water samples taken by Downstream Strategies, a WV consulting firm hired by the citizen groups. An error was found in sampling methods used by Alpha's water testing consultant, who pre-labeled sample jars and got a couple of the samples mixed up.

The lawsuit against Consol's Peg Fork MTR mine was filed by OVEC, Sierra Club and West Virginia Highlands Conservancy. The U.S. EPA allowed mining on the site in 2009, including the construction of two valley fills, despite objections by community and environmental groups. Among the objections raised by the groups was the potential for the mine to discharge dangerous levels of selenium. The agency allowed the company to construct an additional two valley fills in 2012, without providing any notice to the public.

At the time this permit was issued, EPA was under a firestorm of criticism from West Virginia politicians who were outraged that EPA had denied or held up decisions on granting permits for new valley fills. Our court decision proves that the agencies should have heeded citizens' warnings.

Mingo County resident and OVEC member Donna Branham said, "I would like to express my appreciation to the Appalachian Mountain Advocates legal team. May we continue to move forward in protecting our waters and environment."

Today, while the state continues to deal with the January coal-chemical spill that fouled the public drinking water supply for 300,000 people, West Virginia politicians continue to verbally attack the EPA for enforcing water pollution laws at MTR mines. Shouldn't it be obvious, even to politicians, that ensuring clean water is much more important than the coal industry's desire for cheap waste disposal into our streams?

In May, Alpha announced a \$56 million net loss for the first quarter of 2014, citing weak market conditions. CONSOL in April announced \$116 million in first quarter net income, buoyed by its natural gas business. 🍷

Our collective selenium litigation against multiple Patriot Coal MTR mines has already forced that company into a settlement with us whereby Patriot agreed to phase out their large surface mining in Appalachia. Patriot's president stated that mountaintop removal is no longer in the best interests of its stockholders or of the communities where it mines coal.

Selenium accumulates in the tissues of aquatic organisms over time, and experts predict that mining impaired waterways across central Appalachia could be on the brink of collapse due to increasing levels of the pollutant. Selenium pollution is generally not a problem at underground mines.

# Supreme Court Refuses to Hear Case Over EPA Veto

The first Clean Water Act lawsuit against mountaintop removal mining in West Virginia was brought by the WV Highlands Conservancy in 1998, on behalf of nine neighbors of the Spruce Mine in Logan County, including a couple of OVEC members. As a result of that litigation, MTR was severely restricted on that site.

In 2007, the U.S. Army Corps of Engineers granted Arch Coal a permit for valley fills at the Spruce Mine, and OVEC, WV Highlands Conservancy and Coal River Mountain Watch filed suit to try to prevent the expansion. The U.S. EPA worked to find and suggest less damaging ways for Arch to mine that coal. Arch refused EPA's suggestions.

In 2009, EPA asked the Army Corps of Engineers to take back the permit because it would cause too much environmental damage, but the Corps refused. EPA then indicated it would likely veto the permit and asked for public comment.

In 2010, EPA held a public hearing in Charleston to listen to citizen comments. The MTR industry apparently mobilized massive opposition to EPA's veto threat, and at the public hearing, many citizens who wanted to testify against the expanded MTR operation were jeered, shouted over or prevented from testifying. The threats and intimidation were intense and downright scary to some who tried to participate in a democratic process that was supposed to be open to all but was in reality manipulated by Big Coal and facilitated by a lack of sufficient police presence to assure that citizens with all viewpoints would actually be heard.

EPA then heard from hundreds of outraged people. Sometime later, EPA did issue the veto of the Spruce Mine expansion. Arch Coal legally appealed EPA's veto, and in

2012, the D.C. U.S. District Court agreed with Arch Coal and threw out EPA's veto of the Spruce mine expansion.

At that point, we were all nervous (again). Would EPA give up? Or would they continue to fight for their legal right to deny a permit that they determined was virtually certain to cause illegal environmental damage? EPA

stood up and appealed to the Federal Court of Appeals.

The Federal Court of Appeals ruled that EPA *did* have the right to veto the permit. And all hell broke loose in West Virginia. To hear "our" politicians, you'd have thought Obama's EPA was singlehandedly going to destroy the entire economy of West Virginia, and that MTR mining was the biggest job creator in the state.

So Arch Coal, with vocal backing from WV politicians, went to the Supreme Court to ask for their version of justice — a version where people, communities and clean water seem to be nuisances in the quest for profits. And, earlier this year, the Supreme Court said they wouldn't hear the case, ruling that EPA did have the authority to veto the permit. EPA's veto of the Spruce Mine expansion permit stands, for now.

The above account is brief and omits mountains of mind-boggling legal details. Arch Coal could still go back to U.S. District Court on the question of whether EPA used their veto authority in an arbitrary manner.

EPA's Spruce Mine expansion veto means that in Logan County, for now and hopefully forever, six more miles of streams will not be buried by former mountaintops, and waterways downstream will not be poisoned by toxic runoff.

If not for the voices of thousands of citizens over the years, it would have been much easier for EPA to let Arch Coal have its way with our water. 🍷



Folks remaining in the community of Spruce Valley (at left), and Jimmy Weekley who lives in Pigeon Roost Hollow (above) in Logan County, WV, can breathe a little easier, at least for now. Flyover courtesy SouthWings.org.

*"We're thrilled. All along we've said that the plain text of the Clean Water Act settles this question," Jennifer Chavez, an attorney with Earthjustice, an environmental advocacy group, says.*

*"It's tremendously reassuring to know that the EPA will always have that backstop authority to stop some of the most destructive impacts to U.S. waters."*

*"It's great news," Joe Lovett, Executive Director of Appalachian Mountain Advocates, says. "The Supreme Court really couldn't have done anything else. It's pretty clear the EPA has the right to veto a permit from the Army Corps of Engineers after it's been issued."*

# Listening to Women About Water

After 10,000 gallons of a toxic chemical mix (MCHM/PPH) used in processing coal spilled into the Elk River and contaminated the drinking water supply of some 300,000 people in January, many people had questions to ask and concerns to share.

In response to citizen need, Maya Nye, coordinator of People Concerned about Chemical Safety, with the support of WV FREE, WVCAG and OVEC, organized a series of meetings to provide information and time for discussion related to the effects of water pollution on women and children.

Women, along with some children and teens, packed the first meeting, held in February at the Charleston Unitarian Universalist facility. They snapped up information Nye provided from the U.S. Chemical Safety Board and WV TAP, the West Virginia Testing Assessment Project, set up by the governor after citizens *insisted* they wanted the water coming into homes tested post MCHM-crisis.

The meeting included plenty of time for the women, highly concerned about the state of their water, to bring up specific problems, questions and ideas for action.

The First Baptist Church in Charleston and Putnam County Commission in Winfield provided meeting spaces for two similar meetings held in April. Attendees discussed broader issues related to reproductive toxins



Charleston resident DL Hamilton's sign sums it up: *Protect our water, protect our health.*

that may be in our water supply, including information from the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics.

The former group issued a recent report titled *Exposure to Toxic Environmental Agents*, which states: "Robust scientific evidence has emerged over the past 15 years, demonstrating that preconception and prenatal exposure to toxic environmental agents can have a profound and lasting effect on reproductive health across the life course."

Although causality is still being debated, this report affirms a definite link between exposure to toxic chemicals in the environment and problems women experience with pre- and perinatal health.

Recommendations from the report include an advisory for medical professionals to become knowledgeable about toxic environmental agents that are present in their specific geographical area. To this end, the planning team for our 2014 Wellness and Water conference (scheduled for October 3 – 4) has identified a goal of getting more participation from healthcare providers. If you work in this realm and/or know people who do, please be in touch with Robin Blakeman (robin@ohvec.org), or with Maya Nye (chemicalsafetyadvocates@gmail.com), who has recently joined the Wellness and Water planning team. 🍌

## Grateful for Foundations' Support

OVEC is grateful to the foundations that have supported and continue to support our work around the January water crisis, which left 300,000 of our state's residents in a nine-county region without water for several days. Their financial support has allowed us to provide replacement water and other much-needed items during the crisis, attend and help plan and organize strategy meetings at the height of the water crisis, help organize awareness raising events, keep the public informed via our website and social media, and have a steady presence at the state legislature as legislation related to the water crisis was debated.

We are now in a second phase, where we will work with other groups to envision how to keep citizens energized and involved in the important work of protecting our vital water resources

in West Virginia. We are most interested in helping folks impacted by the water crisis to connect their water concerns with those of residents living in southern West Virginia, where drinking water wells have been polluted for decades. Although "our" politicians were almost falling over themselves to help folks affected by crude MCHM and the other contaminants from the Freedom Industries' spill, few, if any, have shown any concern about the slow-motion water/health crisis in counties like Boone, Mingo, Wyoming, Logan, etc., where coal waste has contaminated the water supply.

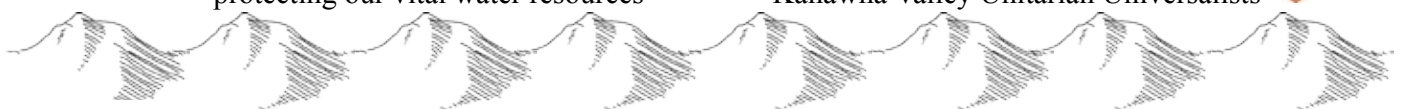
Our deepest gratitude to:

Jessie Smith Noyes Foundation

One Foundation

The New York Community Foundation

Kanawha Valley Unitarian Universalists 🍌



# 50,000 Voices for Clean Water in West Virginia

by Johanna de Graffenreid, CARE campaign coordinator

On February 11, West Virginians faced yet another coal slurry spill into our waters, when 100,000 gallons of coal prep plant waste flowed into Fields Creek, near Charleston (for details, see page 5 of the March 2014 issue of *Winds of Change*). Fields Creek flows into the Kanawha River. Another coal slurry spill occurred February 19 in McDowell County.

These two recent incidents illustrate how the West Virginia DEP has consistently failed to protect communities from the coal industry. DEP is charged with enforcing surface mine regulations under the Surface Mine Reclamation and Control Act (SMCRA).

The West Virginia CARE Campaign has petitioned the federal Office of Surface Mining (OSM) to intervene in the WV DEP to ensure safe water, air and communities for West Virginia residents. **The 18 CARE campaign partners and allied groups collected over 50,000 signatures in support of that legal petition.**

In late February, some of the CARE campaigners traveled to Washington, D.C. to deliver those

## CARE is Citizen Action for Real Enforcement.

CARE partners: Coal River Mountain Watch, OVEC, Sierra Club, WV Highlands Conservancy, WV Rivers Coalition, Appalachian Voices, Keeper of the Mountains Foundation, League of Women Voters of WV, Mountain Heritage and Health Association, WV Citizens Action Group, WV Environmental Council, Christians for the Mountains, Catholic Committee of Appalachia, Appalachian Catholic Worker, National Wildlife Federation, Center for Biological Diversity, Earthjustice, and the Center for Health, Environment & Justice.



While members of the CARE campaign were in D.C. (above), social networkers spread the word with this photo "meme," which made the rounds on Facebook.

signatures, alongside allies from the D.C. area.

Prior to the petition being accepted by Chris Holmes of OSM and Francisco Carrillo, deputy director of Department of Interior's (DOI) Office of Intergovernmental and External Affairs (DOI oversees OSM), members of the CARE campaign met with OSM Director Joe Pizarchik.

"Members of West Virginia Citizen Action for Real Enforcement (WV CARE) and I had a productive meeting today, during which they shared their concerns. OSM takes these concerns seriously. We will review what the group submitted today and follow up with WV CARE members about the issues raised," Pizarchik said.

The CARE Campaign will continue to encourage the OSM to urgently intervene into our failed DEP and stand with impacted community members. Join us to ensure real enforcement in West Virginia! Contact your OVEC organizer or call the OVEC office at 304-522-0246 to find out how you can help OVEC's efforts within the CARE campaign. 🍌

## Welcome to Our Appalachian Transition Fellow

As we noted in the last *Winds of Change*, OVEC and Mountain View Solar (MVS), working as partners, have been accepted into the Appalachian Transition Fellowship Program, a project of the non-profit Highlander Center, based in Eastern Tennessee.

We are pleased to announce that our fellow in the year-long program is Tyler Cannon. He will work with OVEC and MVS on a joint project that will promote greater energy efficiency and renewable energy in West Virginia. For instance, he'll help create a booklet and an online directory publicizing success stories of individuals and businesses that have

achieved energy savings and job creation.

Cannon, a student and a resident of a coal-bearing region of West Virginia, has been working on creating networks among communities to develop more resiliencies in the face of disasters that will become more common with the advancement of extractive industries. He's worked on relief efforts since Freedom Industries' chemical spill into the Elk River in January.

We are grateful to the Highlander Center and One Foundation for their generous financial support of Cannon's fellowship and this upcoming project. 🍌

# Intervening in EPA Guidance Case

In February, Earthjustice lawyers presented oral arguments to the U.S. Appeals Court for the District of Columbia on behalf of seven Appalachian groups, including OVEC. We are appealing (or intervening in) the D.C. Circuit Court's ruling overturning U.S. EPA Guidance that represented important first steps to protect waters threatened by MTR mining waste disposal.



to harm water quality and whether a permit contains effluent limitations are relevant considerations for EPA in deciding whether to object to that permit. Any past failure to press Clean Water Act requirements was a failure of neglect that EPA could lawfully encourage its staff to end.

The oral arguments focused on three areas:

1. Conductivity. EPA had authority to recommend its staff consider the scientific evidence of harm from conductivity. Unfortunately, as the record shows, EPA has not yet done what Environmental Intervener-Appellants have urged is necessary to protect Appalachian streams: the federal promulgation of a water quality standard for conductivity. EPA has just issued Guidance to assist its staff in considering whether to block permits based on existing legal requirements and current science. Although EPA could — and should — promulgate a federal water quality standard for conductivity in Appalachia, it had full authority to act more narrowly by providing scientific information on environmental harm that is relevant to EPA's permit review and objection authority.

2. Reasonable Potential Analysis. Existing Clean Water Act requirements authorize EPA's recommendation in Guidance that staff evaluate whether states have performed the analysis required to set permit limits. A proposed discharge's potential

3. Enhanced Coordinated Review. EPA and the Corps

have legal authority to coordinate their review of fill permit applications that raise serious environmental concerns. Coordinated review advances the purpose of the Act and is consistent with the roles that Congress accorded to these agencies.

In sum, **these three overturned policy documents reaffirmed important science and existing legal requirements to address dire environmental problems related to MTR mining.** The district court's ruling punished the agencies for informing the public regarding their plan to begin vigorously assessing the compliance of new permits with longstanding requirements designed to protect the integrity of U.S. waters. **The district court's decision must be reversed to afford affected communities the benefit of EPA's full participation in the permitting process and to protect the Appalachian environment before it is too late for the region's waterways.**

We at OVEC sincerely appreciate Earthjustice's work to represent us and other Appalachian groups on this matter. 🍌

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## A Win! Blair Mountain Update

On May 7, the *Charleston Gazette* reported that a DEP order “will put a small area of an Alpha Natural Resources surface mining permit near historic Blair Mountain off limits to mining.”

Harold Ward, acting director of the DEP Division of Mining and Reclamation, told the *Gazette* that the order affects about 50 to 60 acres of the Alpha subsidiary Aracoma Coal's Camp Branch permit, located on the southern end of the Blair Mountain battlefield site.

The *Gazette* reported:

*The DEP move comes after the state Surface Mine Board ordered the agency to follow through on a promise to take citizens from the group Friends of Blair Mountain on an inspection tour to investigate allegations that parts of the historic battlefield site had been damaged by mining activities.*

*Friends of Blair Mountain, the United Mine*





# EPA Settlement with Alpha Lacking

In early March, community and conservation groups signaled skepticism over a \$27.5 million settlement between the U.S. EPA and Alpha Natural Resources over the firm's inability to meet key clean water protections.

With two major spills coming from coal-related industries in early 2014, the groups argue that now is the time to start taking real preventative steps in the work to curb coal's pollution of American waterways. The settlement comes after Alpha failed to meet Clean Water Act guidelines regarding water pollution from mountaintop removal coal mines in West Virginia.

OVEC, WV Highlands Conservancy, the Sierra Club and Coal River Mountain Watch filed several lawsuits against multiple Alpha MTR mines, and our legal actions were cited by EPA as part of their argument that Alpha was a chronic violator.

The following statements were issued by allied organizations working to ensure strong, pro-active clean water protections:

"While it's important that Alpha pays for its violations, EPA is still failing at its most important job: ensuring pollution like this doesn't happen in the first place," said Mary Anne Hitt, director of Sierra Club's Beyond Coal Campaign. "If we've learned anything from the coal chemical spill in West Virginia and the coal ash spill in North Carolina, it's that strong and proactive up front enforcement of our clean water protections is paramount. Levying fines after the fact does nothing for the communities and waterways already harmed."

"Once again, the federal government has taken action because the WV Department of Environmental



Protection failed to enforce the law," said Vernon Haltom, executive director of Coal River Mountain Watch. "We've recently experienced the devastation of 300,000 residents' water supply as a result of DEP's failure to take action. Unfortunately, regulators will continue to grant permits to coal companies that are in violation of their existing permits. Clearly, mountaintop removal operations cannot comply with the law, and this practice needs to end now."

"There is no excuse for companies that know the law and have permits to pollute within certain limits to violate those limits over and over again," said Cindy Rank of the WV Highlands Conservancy. "It's unconscionable for regulatory agencies to let those companies slide for so long that a large settlement — though possibly no more than a slap on the wrist in the larger scheme of things — merits any amount of praise or rejoicing. Our waters are our life blood and we all deserve better."

"This solution didn't work seven years ago, when EPA and the Department of Justice took action to stop Massey Energy's culture of contaminating streams," said OVEC's Dianne Bady. "Now, under Alpha, these problems continue and the government's solution is the same: fines and a plan to make individual mines better — which didn't stop the problems last time. Considering that Alpha is a four-billion-dollar company, this fine is just another acceptable cost of doing business. It is unacceptable that regulatory agencies allow companies like Alpha to expand their mountaintop removal operations without forcing an end to illegal pollution at their existing mines. These fines are no substitute for allowing companies to continue to illegally pollute." 🍷

## ...Blair Mountain

*Workers union and other groups want to preserve areas on the border of Logan and Boone counties that were the site of the largest armed conflict in American labor history. Between Aug. 25 and Sept. 2, 1921, more than 10,000 union coal miners fought armed coal company guards, a battle that ended only after federal troops intervened.*

*Steve Higginbottom, a spokesman for Alpha, said that the company does not consider the*

*change to the DEP permit to be an "adverse impact" to its permit.*

*Ward, the DEP acting mining director, said his agency is trying to work with citizens, the UMW, Alpha and landowners from Natural Resource Partners in a programmatic agreement through the Corps of Engineers that would spell out the historic preservation needs of the site and resolve the ongoing disputes over Blair Mountain's future.*

*"There needs to be some resolution to it," Ward said. "This has been going on since 1990." 🍷*

# Students Help Community Health Survey

The Appalachian Community Health Survey Project is now in its fourth year. The faith-based groups Restoring Eden and Christians for the Mountains lead the project, in which OVEC participates and helps fund.

This year, the project involves students from about 20 colleges and universities, who spend their spring breaks here, going door to door in rural communities to ask residents about their health. Some of the student groups

survey people living near MTR sites, whereas other groups survey those living far from such sites.

Allen Johnson, coordinator of Christians for the Mountains, asked that the specific 2014 survey locations and strategic partners be kept confidential to ensure confidentiality for data collection. All staff and volunteers involved in the door-to-door surveys receive special training and certification, which entails subject rights, confidentiality and proper gathering of data.

“While gathering family health histories in impacted communities adjacent to mountaintop removal operations is our primary goal, a secondary goal is that the students have powerful experiences of their own during their volunteer week,” Johnson says.

Many students find that their preconceived ideas melt away. On April 22, the Catholic News Service (CNS) reported on the project, highlighting the visit here by several students from Mercy College of Health Sciences in Des Moines, IA. CNS noted that Mercy nursing student and Philippine native Mar-Rex Lindawan did not think the terms “poverty” and “America” went together, but a week in southern WV changed her perspective.

Lindawan found that poverty is deeply entrenched in the communities she visited while carrying out the health survey. “It reminded me of poverty in the Philippines,” Lindawan told CNS. “I was born in the Philippines and I know what poverty is. I thought, ‘I don’t understand how that could be. The U.S. is the land of milk and honey.’”

The students encountered a high incidence of chronic obstructive pulmonary disease, or COPD, among middle-aged people living near mining activity, even among those who do not smoke.

CNS reported:



Student volunteers from Wheaton, Gordon, Covenant, Lee and Indiana Wesleyan colleges hear from Peter Illyn with Restoring Eden.

*They (the students) said they feared people were being exposed to particulates and dangerous chemicals related to mountaintop removal mining.*

*The practice involves setting off massive explosions that blow off the tops of mountains to expose coal seams. The explosions also create dust that settles on homes, gardens and streams. Tests have revealed elevated levels of airborne particulate matter near the mining sites including metals, sulfur*

*compounds, silica, carbon monoxide, nitrogen dioxide and some hydrocarbons. Some homeowners have reported well water that has been turned black with impurities.*

*Survey questions were compiled by Dr. Michael Hendryx, professor of applied health science at Indiana University. His research began in 2007 when he joined the West Virginia University faculty.*

*“What we’ve been finding in the research as a whole is that the people nearer mountaintop removal activity are at risk of a number of health problems compared to people who don’t live near these mining sites,” said Hendryx, whose work has appeared in several peer-reviewed publications.*

*The findings are based on self-reported health problems. Hendryx said the data consistently show higher self-reported incidences of cancer, COPD, asthma and strokes among people living near mining sites than those in non-mining areas with similar demographics.*

*Results from surveys of residents in Boone and Raleigh counties in West Virginia in 2011 and Boyd County, KY, in 2012 have been published. The 2013 results from Wise County, VA, were to be published soon. During the project’s first three years, more than 2,000 health surveys have been completed, providing researchers with a wide range of data.*

*Hendryx said the results have attracted the attention of policymakers and elected officials, but that because of the mining industry’s influence, little has been done to halt mountaintop removal mining.*

*“In parts of Appalachia, it [mining] is the primary industry, and there’s a lot of political resistance to changing,” Hendryx said. 🍌*

# Activism and Academia Meet for the Mountains

In late March, the Appalachian Studies Association (ASA) held its annual conference. Luckily for us, this year Marshall University (in Huntington, WV) hosted the event.

“The best thing about this conference is always the variety, because many disciplines and fields touch on the Appalachian experience. You can hear great academic lectures, talks on activism, music and art; it runs the whole gamut of cultural experience in an overloaded weekend,” says OVEC’s Dan Taylor, who was part of an Alliance for Appalachia panel on regional economic transition, as well as a panel on the Highlander Center’s new Appalachian Transition Fellowship Program (see related story on page 7).

For Taylor, highlights of the conference included sessions on Appalachian labor history, economic transition in Wales, UK, after coal mining left the region, and prison expansion in Central Appalachia.

OVEC board member Danny Cook, along with staff members Robin Blakeman, Maria Gunnoe and Dustin White, led a workshop on cemetery preservation in the face of threats by mountaintop removal coal mining and gas extraction. All four have faced trouble accessing family cemeteries now surrounded by MTR.

For Blakeman, highlights of the ASA weekend included *Dust in the Bottomland*, a mini-opera written by Fayetteville resident Nate May. May plays the piano for the opera, while former OVEC organizer Andrew Munn (who has a stunning bass voice) belts out the story.

More of Blakeman’s ASA favorites: a screening of the documentary *Goodbye Gauley Mountain* and



Shannon Bell sold her book, profits going to OVEC, at OVEC’s table during Earth Day celebrations in Ritter Park in Huntington, WV. She joined us the following day as we tabled outside Common Grounds at Heritage Station in Huntington.

a preview of *Blood on the Mountain*. The latter is Mari-Lyn Evan’s latest film, which powerfully chronicles assorted industries’ oppression of West Virginia’s poor and middle-class citizens, from the days of the Blair Mountain uprising and the Hawks Nest tunnel disaster to the Elk River chemical spill.

Blakeman says, “Watch for *Blood on the Mountain*’s release in fall of 2014; this is a film you will not want to miss!”

Berea College professor Silas House, along with some of his students and academic colleagues, delivered the keynote address, *Our Secret Places in the Waiting World: Becoming a New Appalachia*, which focused on diversity in our region.

“It was incredible! This is something that has to be seen and heard to be believed; it will leave you breathless and/or tearful,” Blakeman says. Check out part of the presentation at <http://bit.ly/1jkMSzT>.

OVEC’s Vivian Stockman was part of a panel critiquing Shannon Bell’s book *Our Roots Run Deep as Ironweed: Appalachian Women and the Fight For Environmental Justice*.

“I have a bookshelf filled with books, DVDs, magazines and newspapers that contain OVEC’s photos or that mention OVEC’s work, but *Ironweed* is by far the most personal, the most moving,” Stockman says.

Participating in events like the Appalachian Studies Association is just one way that communities are building the regional conversation on a just transition for a cleaner, brighter Appalachian future. 🍌

## Thanks to Volunteers for Our Earth Day Outreach

Thanks so much to volunteers Shannon Bell, Deborah Griffith (in photo at right, behind table, at WVU-P Earth Day Expo), Marilyn Howells, Paula Swearingen and Lyndsay Tarus who helped with OVEC’s Earth Day outreach events. We tabled and /or spoke at WV State College, Marshall University, Huntington Ritter Park, WVU-Parkersburg and at Inanna Spiritual Center’s Earth Day Celebration, in Chillicothe, OH. 🍌



# Get Local: Save Energy; Transform the Economy

by Janet Keating

At the recent spring gathering of the Appalachian Funders' Network in Athens, OH, I signed up for the "food" track to learn more about how to build a local food supply chain, which creates jobs and helps provide a community with healthy, great-tasting local food.

The initial stop on our tour was to Green Edge Farms, a family-owned, 100% certified organic farm in Amesville, OH, that grows and provides fresh organic produce to both retail and wholesale customers 12 months a year. Additionally, local food pantries that partner with Green Edge Gardens can provide fresh produce when it's time to turn the garden over. In exchange for supplying volunteers who harvest an "old" crop, local food banks receive the fresh produce for free, an added community benefit.

Green Edge Garden's "secret" to growing year-round includes several traditional and high-tunnel greenhouses, a micro-greens building where seeds are sprouted (for salads) and a specialty mushroom house. Despite the polar vortexes of the 2013–14 winter, their gardens were productive. The 120 acres of rolling hills and fertile bottomland is tended primarily by hand. Water for irrigation comes from a series of spring-fed ponds on the property. At the time of our visit, the farm employed nine people; we learned that in the future, when the owners retire, the farm might become worker-owned. Besides hiring regular staff, the farm also provides apprenticeships for would-be future farmers.

Green Edge Gardens also operates the Athens Hills CSA (Community Supported Agriculture), which includes participation by local fresh milk and cheese producers, an organic orchard, local honey producers, a local bakery that supplies specialty breads from a wood-fired oven, a local maple sugaring operation and a certified organic stone flour mill and bean and grain processor.

The next stop was in Nelsonville, OH, at the Nelsonville Food Hub, a "Local Food Processing

Accelerator" project, which helps support local food entrepreneurs through training, technical assistance and expanded food incubation services in the 32 counties of Appalachian Ohio. With funding from the U.S. Department of Agriculture Rural Business Opportunity Grant, Appalachian Community Economic Network (ACENet) started this project. We toured a gigantic warehouse, a shared space for local small-food enterprises.

The last, but certainly not the least, stop on our tour was to The Inn at Hocking College in Nelsonville, OH, for a remarkable farm-to-table meal. Hocking College offers courses in hospitality, including restaurant and hotel management, culinary arts and baking. All the scrumptious food from

our three-course lunch was sourced locally and prepared by the students, including a dessert that included a locally made vanilla bean ice cream.

Obviously, building a food system supply chain can't be done overnight, but it makes such good sense to get the ball rolling as soon as possible, as prices for food grown hundreds of miles away escalate because of increased energy/transportation costs.

And I love this new word

I've added to my vocabulary: locavore. Athens, OH, boasts of being the most local, "vibrant and thriving" of locavore initiatives in the country: Community folks and restaurants are supplied with delicious local foods from within a 30-mile radius.

If you fancy becoming a year-round organic farmer, owning a local restaurant that uses locally grown food, or, if you just want to "eat local" to help save energy, it would be well worth your time to visit Athens, OH — any aspiring locavore's dream come true. 🍌



*Sprouted sunflower seeds: tasty seeds of change.  
Photo by Janet Keating.*



# 2014 Goldman Environmental Prize

Congratulations to the 2014 Goldman Environmental Prize recipients! The winner for North America is Helen Holden Slottje. Using a clause in the state constitution that gives municipalities the right to make local land use decisions, Helen Slottje provided pro-bono legal assistance, helping towns across New York defend themselves from oil and gas companies by passing local bans on fracking.

Slottje's first project as a volunteer was to build a legal case against a large industrial complex being built by a fracking company at a vacant former military storage facility in the nearby town of Horseheads. Although the case ultimately went the industry's way, Slottje gained insight into the importance of local zoning and land-use laws to limit the adverse impacts of one property's use on others. Further research led Slottje to conclude that, in much the same way as local laws determine how much light and noise is permissible from activities in town, individual townships could use zoning laws to outright ban fracking within their borders.

Slottje first discussed this idea with a gas-drilling task force in the town of Ulysses, and, with her husband David, helped the group develop a local law to ban fracking. When community members learned of the task force's work, they supported the committee by drafting a petition to ban fracking, and residents interested in signing it began flooding town hall with phone calls. Word spread to neighboring towns, and, soon enough, citizens in towns around the state began to develop similar petitions of their own. Over the next several months, Slottje drove

hundreds of miles from one town to the next, providing hundreds of hours of pro bono legal help at community meetings.

Although most local citizens and town boards embraced this strategy, the gas industry openly ridiculed and threatened Slottje. Pro-industry individuals verbally assaulted her,

followed her to her car late at night after community meetings, and attempted to intimidate her.

This might sound familiar to OVEC's Maria Gunnoe, who received the Goldman Prize in 2009. The late Judy Bonds, of Coal River Mountain Watch, won in 2003, and faced similar intimidation and threats. Gunnoe and Bonds won the prize for their work to end mountaintop removal.

Another winner of the Goldman Prize this year is Ramesh Agrawal, from India. With a small Internet café as his headquarters, Ramesh Agrawal organized villagers to demand their right to information about industrial development projects and succeeded in shutting down one of the largest proposed coal mines in Chhattisgarh. Learn more about all this year's prize winners at [www.goldmanprize.org](http://www.goldmanprize.org). 🏆



## Breakthrough: JPMorgan Chase Dropping MTR Financing

by Amanda Starbuck of Rainforest Action Network



*Tell the banks: No more!*

This could be the tipping point for the horrific practice of mountaintop removal coal mining.

In mid-April, JPMorgan Chase & Co. updated its environmental policy,

revealing that it will be ending financial relationships with MTR coal mining companies.

Wells Fargo and BNP Paribas/Bank of the West

have recently taken similar steps. If the other major banks commit to ending the financing of MTR, fossil fuel companies will have no choice but to stop the obliteration of mountains and poisoning of communities for coal.

So, thousands of people are joining Rainforest Action Network to tell Bank of America, Citigroup, Goldman Sachs and Morgan Stanley to stop financing mountaintop removal coal mining!

Tell the banks to drop Alpha Natural Resources and adopt a policy to phase out MTR financing. Visit: <http://bit.ly/1kQuwEU>. 🏆

# Walking the Ohio for Clean Water

Excerpted from a May 5 article on NextCity.org  
by Sarah Goodyear

It was raining hard on April 28, but that didn't stop Sharon Day and the two women walking with her on Route 7, along the Ohio River. On they walked, taking turns on foot and riding in a support vehicle, mile after mile, following the river's meandering path as closely as they could. They were just a few days into a five-week journey that will take them 981 miles, from North Shore Riverfront Park in Pittsburgh, where the Ohio begins, to Cairo, Illinois, where it enters the Mississippi.

When I spoke to her by phone that day, she was taking a rest, riding in the support vehicle. She said she did not so much mind the rain. "Even though it makes it uncomfortable to walk, it's also refreshing," said Day, an Ojibwe elder who has been leading water walks like this one since 2003, with the goal of raising awareness of the plight of the continent's waterways.

More disturbing than the downpour, Day said, were the passing trucks carrying fracking wastewater. They splashed the walkers, who were on the road's narrow shoulder. But, far more painful, they were a constant reminder of the grim conditions that motivated the walk to begin with.

The Ohio River Nibi Walk is a response to the dismal state of the Ohio. (Nibi is the Ojibwe word for water.) The source of drinking water for three million people, it is ranked as the most polluted waterway in the country, absorbing more than 32 million pounds of toxic waste each year as it flows through



Ohio River Water Walk 2014  
*every step is a prayer*

Artist Amy Cordova donated her limited edition print "Water Woman" to help raise funds for the Ohio River Nibi (Water) Walk.



*In prayerful walk, Ojibwe elder Sharon Day carries eagle feathers and a ceremonial copper vessel filled with water from the birthplace of the Ohio River, in Pittsburgh, PA along the banks of the river. She and fellow walkers will carry the water nearly 1,000 miles to Cairo, IL where the Ohio flows into the Mississippi.*

*"Every step we take we will be praying for and thinking of the water. The water has given us life and now we will support the water," Day says.*

*Photo courtesy Ohio River Nibi Walk.*

Pennsylvania, Ohio, West Virginia, Kentucky, Indiana and Illinois.

On this walk, Day and supporters hope to call attention to the multiple indignities suffered by the Ohio, whose valley was an important home to indigenous American people for thousands of years before European settlers arrived.

Day had already decided to walk the Ohio when the huge chemical spill on the Elk River in West Virginia happened. The Elk is a tributary of the Kanawha, which empties into the Ohio. Some of that contamination made its way 200 miles downstream, causing the city of Cincinnati to shut down intake valves in its water plants to keep the toxins out of the drinking water there.

"That made us even more determined to walk the river," said Day. "As we walk, we pray and sing to the river. In our belief, the river is alive and has a spirit. We tell it to stay strong, continue to flow. We'll do all the other work and encourage everyone else to stop poisoning you.

"As opposed to resisting something, we're moving toward love," she said. "Because love is what heals." 🍌

# Walking For the Water

by Janet Keating

What a wonderful two days I had in early May, walking with Sharon Day, the leader of the Ohio River Water Walk, and Barb Baker-larush, along with all the strong women who participated those two days — Keely Kernan, Margie Taulbee, Tara Buckler-Believe and Diane Stephenson. It was humbling to participate in this ritual walk for the water and to know that others have taken on such a daunting task, truly caring about our life-giving but polluted Ohio River.

Every step taken is not only a prayer of healing for the Ohio River, but also a prayer of gratitude for the gift of water. When I began my walk, we were about 20 miles north of Proctorville, OH, on Route 7. Not only were we making a journey to the north, but so were the birds — the migrants passing through and the returning nesting species. On my first walk, I saw a brilliant scarlet tanager perched high in a tree, blazing deep red against the blue, blue sky.

Before I walked, Sharon instructed me to always walk forward, carrying the ceremonial vessel of water in one hand and eagle's feather in another for protection. I was told to sprinkle tobacco if I passed running water or dead animals as a way to honor the spirit of the water or the animal. At ground level, one sees a good deal more of the harm our vehicles do to the unsuspecting animals, reptiles and birds. I felt a pang of guilt passing too many of the fallen — a turkey vulture, a turtle, several deer, an opossum, a cardinal (newly hit) and a Carolina wren. We can be death and hell on wheels. A breathtaking moment came for me when I saw a red-shouldered hawk carrying a snake and a smaller black bird taunting the hawk. Wow!

Everyone was so gracious and welcoming to me. We shared food and stories about water in between our individual walks. We spoke of mountaintop removal mining, fracking, power plant and chemical plant pollution and the unbelievable water crisis suffered by 300,000 people, caused by the Freedom Industries' horrendous spill of crude MCHM back in January. I know that Day and the others will carry our stories and



*Water walkers pose at day's end at Huntington's River Front Park. Front row left to right: Barb Baker-larush, Diane Stephenson, Sharon Day. Second row, left to right: Janet Keating, Tara Buckler-Believe and Keely Kernan. Photo by a passer-by.*

concerns with them.

Over a shared meal at the end of the day, Day explained to me a deeper meaning of the walk. She said that each of us, as a walker, brings heightened awareness and takes great care to not spill any water from the water vessel, nor to let the eagle feather slip and fall from one's fingers to the ground. That is the same kind of self-awareness that we each need to foster in ourselves as we care for the water. Alone as we walk, we begin to understand that water is nothing short of essential for all life. So, as each new person takes part in the ritual, the hope is that the deeper meaning of caring for the water is happening one person at

a time.

I hope and pray that all the walkers are safe as they continue on their journey and that their needs are met as they make their way to the Ohio River's end at Cairo, IL. Just like our daily lives, this Ohio River Water Walk is a shared journey. I was honored to walk with them in this sacred ceremony and am truly grateful for their commitment to the water.

OVEC was happy to lend, in our small way, support to this historic walk. 🍓

On May 2, Sharon Day offered this prayer as she passed the point where the Kanawha River flows into the Ohio.

The Elk River is a tributary of the Kanawha.

*flow river flow  
oh ohio  
flow from the source  
the allegheny and monongahela  
flow river flow  
flow past the energy plants  
coal, nuclear and the fracking  
they use your water  
think nothing of abusing  
flow river flow  
oh ohio  
so much pollution  
garbage and runoff  
still you do flow  
on downstream  
flow river flow  
oh ohio  
flow river flow  
on downstream.*

# Chemical Valley in New York(er)

*In February, during the WV Environmental Council's annual E-Day! at the State Capitol, some of the attendees met Evan Osnos, a reporter working on an article for The New Yorker magazine. Osnos promised an in-depth examination of the January Freedom Industries coal-processing chemical spill that fouled the water supply of 300,000 people. Boy, did he deliver!*

*Below are some excerpts from "CHEMICAL VALLEY: The coal industry, the politicians, and the big spill," which ran in the April 7 issue. Read the entire article at: <http://nyr.kr/1gKskQF>.*

This was West Virginia's fifth major industrial accident in eight years. Most accidents unfold deep in the mountains that contain the state's natural resources. In this case, the leaders of the state were less than three miles away—near enough to smell it.

The state has become a standard-bearer for pro-business, limited-government conservatism. The day before the chemical spill, the governor, Earl Ray Tomblin, delivered his State of the State address, criticizing federal environmental regulators and vowing, "I will never back down from the E.P.A. because of its misguided policies on coal."

The Democrat John Unger, a pastor and former Rhodes Scholar who serves as the majority leader in the state Senate, told me that he has identified three steps by which lobbyists win the cooperation of his peers. "First, they try to wine and dine you. Then they try to set you up. And then they try to threaten you."

Set you up? I asked.

"Set you up in the sense of getting something on you so that you become beholden to them," he said. "Back when I was a freshman, I stayed at the Marriott during the legislative session. And they would send people up to your room and knock on the door." He continued, "When I looked out the peephole and saw who it was, I'd call down to security and say, 'Someone's lost, they're knocking on my door.' Then I moved out."

Unger recalled the first time that a lobbyist for a chemical company asked him to vote on a bill. "I said, 'I don't sign on to anything until I read it.' And he said, 'Well, that's not the way it works around here.' I said, 'Well, I don't know how it works down here, but that's the way I work.' And he said, 'Well, if you don't learn to get along, when it comes to your reelection, we'll stick a

fork in you.' And I looked at him and said, 'Sir, with no due disrespect to you, but you weren't for me when I got elected, and I got elected!'"

For those who are uncooperative, the results can be swift. In 2012, a coal-industry lobbyist asked Larry Barker, who was the chair of the House Energy, Industry, and Labor Committee, to advance an industry-backed bill out of his committee. Barker declined, and the meeting adjourned. Afterward, Barker told me, a lobbyist "walks over and crowded me with his shoulder, kind of back to the corner, where there was nobody there but me and him. And I'm looking up at him, and I said, 'What is it?' And he said, 'What's it going to take for you to run our bill?' And I said, 'I want to look it over. I want to let the attorney

look at it, I want the union to look it over.' He said, 'This is the last meeting. You can call a special meeting and put this bill on there.' And I said, 'Well, now, why do you think I would do that?' He said, 'Because we want it.' We, meaning the coal industry. 'We want it. Period.' I said, 'Well, we've reached a deadline. If I'm still here next year in this same position, if this is a good bill, I promise you I'll run it in the first meeting

next year.' He looked me in the eye and he said, 'That will be too late for you.' And he turned and walked out, and I never heard from anybody else in the coal companies after that." That fall, a first-time candidate backed by the coal industry challenged Barker and defeated him.

The responsibility for regulating Freedom Industries fell to the state's Department of Environmental Protection, which during the past decade has been urged to scale back its enforcement. "It's not subtle," Pam Nixon, who retired this year after fifteen years as a senior department official, told me. She recalled a staff meeting in which Joe Manchin, the governor from 2005 to 2010, "said that when the industries see the D.E.P. coming onto their property he wanted them to feel comfortable." Manchin, a Democrat, had prospered as a middleman who helped coal mines sell to power plants and other users. Once in office, he repeatedly advised the department to shift its emphasis from enforcement to "compliance assistance." By that, Nixon said, he meant, "If there was a problem, work to make sure that the company can continue to operate. . . . He didn't want us to come down heavy-handedly." Nixon, who served as the department's Environmental Advocate, expressed her concerns about gaps in enforcement



*On April 24 the U.S. Chemical Safety Board began cutting open a MCHM tank at Freedom Industries, so that inspectors could enter the tank. The activity stirred up the sickening licorice-scent once again.*



# Chemical Disasters and Environmental Racism



On May 1, the Environmental Justice and Health Alliance (EJHA), a national coalition of grassroots groups working on toxic chemical exposures that affect communities of color, released a report in collaboration with the Center for Effective Government and Coming Clean.

The report — *Who's in Danger? A Demographic Analysis of Chemical Disaster Vulnerability Zones* — uses data from the U.S. EPA and the U.S. Census to demonstrate that many Black, Latino, and low-income populations are living within chemical disaster “vulnerability zones,” near 3,433 industrial facilities across the U.S. The risk of danger is much greater for people in Black and Latino communities than for the U.S. as a whole.

“Our government has allowed these facilities to be disproportionately located in communities of color, and has allowed chemical corporations and the officials who are supposed to be protecting us to tragically fail workers and surrounding communities,” explains Michele Roberts, a co-author of the report and national co-coordinator of the EJHA.

“When a chemical facility explodes or catches fire, some of the most toxic substances can be dispersed. Some stay in the air, water and soil for quite some time,”

→  
to the head of the department, a Manchin appointee named Randy Huffman. “He said, ‘Remember how this administration feels about these industries.’”

Attorney General Patrick Morrisey, who in 2012 was the first Republican to win the post since 1933, campaigned on a promise to “restrain Washington’s appetite for spending, regulations, and mandates.” To promote business, he backed a lawsuit against the Environmental Protection Agency, saying, “At its essence, this lawsuit is about jobs in West Virginia and elsewhere.”

Evan Hansen, an environmental consultant who has testified about the leak before the West Virginia legislature, has tracked the cumulative effect of that objective throughout the government. “In the past ten or fifteen years, they’ve systematically weakened virtually all the major water-quality standards that apply to the coal industry,” he said. 🍌

says Wilma Subra, PhD, a Louisiana toxicologist, who was a keynote speaker at Wellness and Water, an annual conference that OVEC co-organizes with WV Highlands Conservancy and other groups.

“The recent incident in West Virginia is one in a long legacy of chemical disasters. How many more preventable incidents will we have to endure before our government takes action?” adds Maya Nye, with People Concerned About Chemical Safety. West Virginians Nye and Stephanie Tyree (a former OVEC organizer) are members of EJHA and are pictured in the report. Nye is helping to organize this year’s Wellness and Water conference. (Save the date: October 3 – 4.)

In a story about the report, *Al Jazeera America* quotes two OVEC staff members and also OVEC member Pam Nixon, who says a “blatant example of environmental racism was from what a chemical plant stored right next to WV State University, a historically black college. Until very recently, MIC was stored there. That’s the chemical that caused the worst ever industrial accident in Bhopal, India in 1984. Thousands of people have died from exposure to the MIC gas leak. Since 1984, nowhere else in the world was this chemical stored in quantities large enough to be deadly except right in Institute. That finally changed a couple of years ago, after an explosion killed two workers, very close to the MIC tank. Such conditions would not have existed next to a predominantly white college.” Nixon is recently retired from DEP’s Environmental Advocate office and she was a longtime leader of People Concerned about MIC.

The report shows that many safer alternatives to the most dangerous chemicals are already in use by some facilities, and presents key policy recommendations for the White House, federal agencies and Congress to protect communities and workers.

Read the report: <http://bit.ly/1mrJCX0>. 🍌



# Money in Politics Fix: Constitutional Amendment

by Dan Taylor

In early April, another disappointing ruling came down from the U.S. Supreme Court under Chief Justice Roberts, in which big money scored a major victory against average citizens. In *McCutcheon v. FEC*, the court struck down limits on individual contributions to political campaigns and party committees during an election cycle.

The floodgates are now open for the captains of industry and heads of multinational corporations to influence elections however they see fit with their wealth. Much was said of money as speech during the case, but what about the free speech of the average citizen, which is drowned out by all the industry money? The only trickle-down of wealth to be had now is the trickle-down of campaign cash to politicians, who are supposed to be representing all of their constituents, not just those with money.

The limit had been \$123,200 in aggregate, but now, according to the public policy group Demos, “one wealthy donor would be permitted to contribute more than \$3.5 million to a single party’s candidates and party committees (plus a virtually unlimited amount to supportive PACs).”

Supreme Court Justice Stephen Breyer, in his dissent, states, “(This) decision eviscerates our nation’s campaign finance laws, leaving a remnant incapable of dealing with the grave problems of democratic legitimacy that those laws were intended to resolve.”

After the *Citizens United* decision and the *McCutcheon* decision, these campaign finance laws, enacted after the Watergate scandal to crack down on political corruption, are rapidly disappearing. Fred Wertheimer, from Democracy 21, states that this decision “overturned 40 years of national policy and 38 years of judicial precedent.”

But, we can fight back! There are various bills

floating around that deserve our attention, such as HR 270, the Empowering Citizens Act, which would, Wertheimer says, “repair the presidential public financing system, create a similar financing system for congressional races, prevent individual candidate Super PACs and strengthen the rules prohibiting coordination between outside spending groups and candidates.”

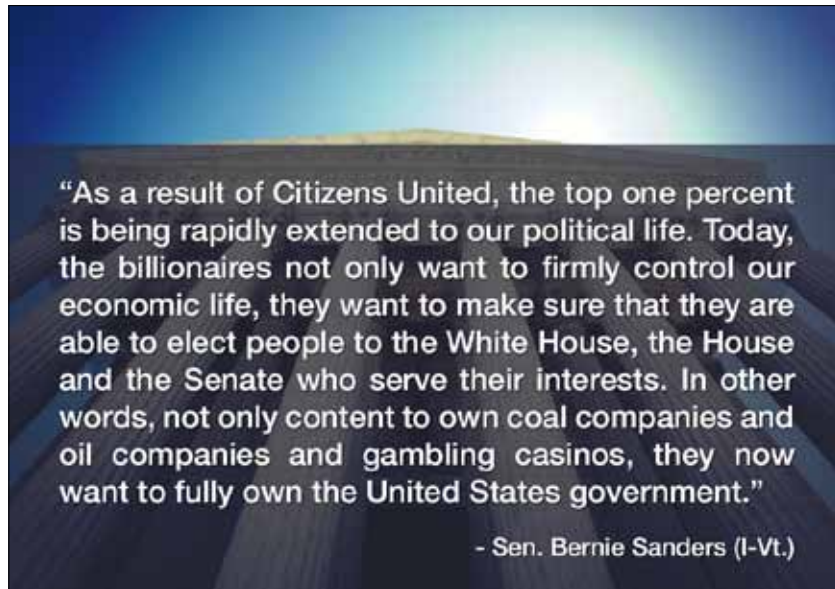
There is also HR 148, the Disclose Act, which has been around for a while and would do much to shed light on who is giving to whom and fix loopholes in current campaign finance disclosure law.

The Government By the People Act (HR 20) and the Fair Elections

Now Act (S 2023), similar House and Senate bills, could give more influence to small donors instead of large corporate donors, so that fundraising is more democratic. This would encourage those who aren’t wealthy and connected to run for Congress and give them a better chance at winning, giving average folks a chance to help and to be able to win and to be allowed to set the agenda in Washington.

Most important, there is the movement for a constitutional amendment to fix all of this mess and overturn both the *Citizens United* and *McCutcheon* decisions by saying that limits were necessary to fight against special interests and big donors having too much influence on elections. If what we have to do is spell out that money is not speech and that corporations are not people, then let’s buckle in for the fight to take back our democracy instead of handing it over to large industry and corporations.

I work on clean elections issues for OVEC, including getting better campaign finance disclosure laws for West Virginia and expanding public campaign finance. To get involved, contact me at [dan@ohvec.org](mailto:dan@ohvec.org) or 304-522-0246. 🍌



# UMWA Needs to Stop Fighting, Innovate

by Dan Taylor

*This op-ed appeared in the Charleston Gazette on April 3. It is Taylor's response to a March 30 op-ed by UMWA president Cecil Roberts.*

I was very disheartened to read Cecil Robert's commentary in the *Sunday Gazette-Mail* recently, which parroted right-wing talking points blaming Obama and the EPA for the decline of coal mining.

In a state that has always had such a proud, strong and beneficial labor movement, I cannot understand the lack of vision that would lead someone in his position to attack his own, instead of the corporate malfeasance of the very companies that his union fights against for their members. Is the UMWA really now closer to the captains of industry than the citizens and workers of West Virginia? If you want to see why coal is declining, look north and see the huge natural gas boom that is happening and then look south and see the dwindling supplies, mined with fewer and fewer men due to mechanization through processes that are destroying communities and driving people from our state through environmental pollution.

Why is Cecil Roberts not focusing on worker safety at West Virginia coal mines? Why not disappearing wages and benefits, through bad actors like Patriot Coal? Why not helping to get paid sick days for his workers and all workers in West Virginia? We don't need the politics of rich CEO types like Mitt Romney, always bashing the Obama/EPA straw man instead of looking to move us forward.

Why can we not have a labor movement in West Virginia with forward vision, driven from the grassroots, looking to diversify our economy and create living-wage jobs for our state?

Look at the United Steelworkers, for instance. When the U.S. steel industry declined years ago, partially due to bad trade laws that sent those jobs overseas, did their union give up and instead of organizing new workers just turn to bashing potential allies in a reactionary fashion? No, the steelworkers union began to expand and organize all kinds of new industries, growing to help their workers and create bold, new innovative initiatives, like the partnership with the large worker-owned cooperative network, Mondragon, to build worker-owned co-ops in places like Pittsburgh and Cincinnati. This model is helping to create new living-wage jobs with benefits that keep money in communities, instead of sending it out of

state to multi-million dollar companies, like the coal bosses have done for years.

I would love to see the UMWA work on initiatives like this to help West Virginia workers, and work with economic developers, local communities and, yes, even environmentalists, to create something new, instead of tearing people down.

Organized labor, crucial in the past to building the middle class in America, is crucial now to moving our economy in Appalachia in a way that is just to all. Cecil Roberts cannot like the current state of our economy here and now, because it is and has been failing West Virginia for a long time — far longer than Obama has been in office. So, let's stop the infighting and move forward together as a state and get something done to create new economic opportunity. 🍷

*Is it time for the United Mine  
and Renewable Energy  
Workers of America?*



*The first thing is to raise hell, says I. That's always the first thing to do when you're faced with an injustice and you feel powerless. That's what I do in my fight for the working class.*

— Mother Jones

# Protect Your Family's Health: Review the 2014 WV Fish Advisories

by Janet Keating

Most of us have learned that eating fish is a healthy dietary choice. Nowadays, however, there can be a downside to eating “too much” of certain fish, from certain places in West Virginia. People are advised *not* to eat some species of fish, like catfish or predatory fish, caught in some locations, at all. Fortunately for those of us who enjoy both catching and eating fish, some great fishing locations and fish are safe if you carefully follow West Virginia’s fish consumption guidelines.

Let’s take a look to see how we got to the need for fish advisories in the first place. Since the onset of the Industrial Revolution, toxic chemicals have been (and continue to be) disposed of in our common air, land and water. The disposal and deposition by industry of toxicants like PCBs (polychlorinated biphenyls), mercury, dioxin and selenium into our environment (especially water) over decades has led to the bio-accumulation of high and unsafe levels of contaminants in the tissues of fish and other aquatic species. As the fish swim and feed in polluted streams, their tissue accumulates toxins found in the water and their food. Then, when we eat the fish, our bodies also accumulate whatever chemicals the fish consumed — but now in a larger quantity. That’s known as bio-magnification. What was once a healthy food choice is now questionable, though I ate my fair share as a youngster.

As in many blue-collar families in the 1950s (and still), fishing served several purposes for my family: entertainment, education and, of course, sustenance. What could be more fun for a kid than to wrestle a big ole catfish to the riverbank? Or to stare for what seemed like forever at the little red and white bobber near the end of a fishing line, to feel the tug on the line, and then to watch it disappear when an unsuspecting fish took the bait!

As a child, not only did I learn about where some of the food on my table came from, but I also learned about the food web. Besides just fishing, I was also expected to find and catch some fish bait — night

crawlers, slugs and Catawba worms. I still remember with great fondness those Saturday mornings wading barefoot in streams to seine for minnows or searching under rocks for crawdads. I learned that the fish ate the worms and then I proudly ate the fish — which



tasted especially good, knowing that I had caught it. We really didn’t worry back then whether we could eat certain kinds of fish and not others. We definitely weren’t concerned about toxic chemicals like PCBs or mercury that might be present and accumulating bite by bite in my then-growing body.

It really wasn’t until after Rachel Carson’s landmark *Silent Spring* was published in 1962 that I, and many others, begin to pay attention to the effects of toxic pollution on fish and other living things, including people. While many people from all walks of life began to organize and demand that the environment be cleaned up, others were protesting the wildly unpopular Vietnam War where young Americans of my generation were fighting and dying for a cause that many neither understood nor supported.

But then on April 22, 1970, the first Earth Day was held in Washington, D.C., marking the birth of the environmental movement in the United States — a massive convergence of the energy of both the anti-war and environmental movements. The impacts of both were far too vocal and huge for even President Nixon to ignore. In the wake of this overwhelming public concern, he established the U.S. Environmental Protection Agency, to consolidate in one agency a variety of federal research, monitoring, standard-setting and enforcement activities to ensure environmental protection.

Then, in 1977, during President Carter’s Administration, Congress passed significant federal environmental laws, including the Clean Water Act and the Safe Drinking Water Act, meant to protect our rivers, streams, lakes and groundwater from troubling and dangerous levels of pollution, as well as human health. It wasn’t until much later — 2000 — that West Virginia issued the state’s first fish consumption

advisory.

Currently, the WV Division of Health and Human Services, in conjunction with the WV Division of Environmental Protection, issues state fish advisories known as the WV Sport Fish Consumption Advisory. Data from streams and rivers are reviewed annually to help people make “educated” decisions about where to fish and how much or what kind of fish to eat. If fish is a big part of your diet, you should read the 2014 advisory thoroughly: <http://bit.ly/1n5ReOp>.

I am concerned about some of the wording of this report. For example, it states, “Certain West Virginia sport fish have been found to have low levels of chemicals like polychlorinated biphenyls (PCBs), mercury, selenium and dioxin.” Even if the fish have a “low level” of certain contaminants, that doesn’t mean that they are safe for human consumption. PCBs, mercury, selenium and dioxin all accumulate in our bodies and can cause many serious health impacts at quite low levels. In 2012, after 30 years of study, the EPA released findings on just the non-cancerous effects of dioxin in people. They established the acceptable risk level of dioxin at 0.7 pico-grams per kilogram of body weight, that is 0.7 of a trillionth of a gram or 0.0000000000007 grams.

Is it just me, or does this seem like we’ve hit the wall here — trying to decide how much poison to ingest depending on how much we weigh, how much we eat in a given year, whether we are pregnant or have a compromised immune system? And, by the way, if you live near the Kanawha River downstream of the I-64 bridge in Dunbar including all backwaters, Armour Creek, Heizer Creek, Manila Creek, lower two miles Pocatalico River, please, please check out the latest fish advisory. Many species in that location are *not* to be eaten.

On a closing, but important note, releases of some of the most toxic chemicals into our water have occurred largely as a result of either mining, processing, burning of coal or disposing of coal waste (think crude MCHM and PPH). If we love to fish and if we love to eat freshly caught fish, then we need to demand that polluting industries clean up our rivers and streams and stop using them as sewers for their toxic wastes. 🍌

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the latest events.  
Check our online calendar  
at [ohvec.org](http://ohvec.org).*



## A New Way to Donate to OVEC

You may be trying to follow the bumper-sticker advice “Think Global; Act Local” by purchasing items produced close to home, from locally owned businesses. But if you, um, mess up and find yourself shopping on Amazon online, you can at least give a little bit to a good cause. Log into Amazon via **smile.amazon.com**. Search for “Ohio River.” Choose “Ohio River Valley Environmental Coalition, Inc.” from the drop-down menu (yes, that’s the full name of OVEC — no wonder we prefer our acronym).

When you make an eligible purchase, the AmazonSmile Foundation will donate 0.5% of the purchase price to OVEC (as long as you choose us as your charitable organization of choice, and as long as you enter **smile.amazon.com**). There’s no price increase for you.

If you haven’t checked out the Kroger Gift Card program, please do. That’s another way you can donate to us without spending any more money than you pay for your groceries, meds or gasoline when you shop at Kroger’s. That program donates the significantly higher amount of 5% of your purchase to OVEC.

Learn more at [www.ohvec.org/join/kroger.php](http://www.ohvec.org/join/kroger.php), or call Maryanne at 304-522-0246. 🍌

### **OVEC WORKS!**

*Thanks to everyone near and far for taking action to end environmental injustice, with an extra special thanks to all the residents of the southern mountain communities who speak out courageously. We hope you know how much we appreciate you. OVEC works because of you!*

### **THANKS!**

# Tyler Well Pad a Menace

*continued from page 1*

(the closest residents’) front yard.”

But all in all, the details in the e-mail apparently didn’t gel with the owner, because the problems have continued.

For instance, in January, WV DEP cited Jay-Bee (JB) Oil & Gas for creating an “imminent danger that a fresh water source or supply will be contaminated or lost” after an explosion, which injured one worker. No doubt, citizen’s documentation and communication to various county and state agencies helped spur action.

If you didn’t read “Tyler County Water Also in Peril” by Hughes in the March 2014 *Winds of Change*, please do, to learn more about the aftermath of that explosion. You can find it in the newsletter section of [ohvec.org](http://ohvec.org).

In February, residents called local emergency services to report a strange odor and a sheen on the stream (just one of several “spills” in the early months of 2014) flowing through their property.

Hughes documented the ongoing problems and reported them to county officials and the DEP as they occurred. responses from some (certainly not all) of the DEP folks were not helpful. At one point, in frustration, Hughes e-mailed a reply to one person at DEP: “In case you, or anyone else at OOG (DEP’s Office of Oil and Gas) has any interest in the actual facts of the ongoing situation at the JB Lisby Pad, I will provide these photos and documentation to you and many others... JB has had over 20 environmental violations and 38 OSHA violations and is still allowed to do business in the state.”

In March, when people living near the well pad began to get sick, Hughes and others contacted the media, too. On April 5, the *Free Lance-Star* of Fredericksburg, VA, reported:

*On March 28, emergency responders were called to the same scene after reports that eight people got sick from smells coming from the site. According to the recorded conversation between Tyler County responders and dispatchers, which was posted on YouTube, the responders said they felt nauseous within minutes of reaching the site. They were told to evacuate those in the area. The*



The

*Thanks to generous funding provided by Common Stream Foundation and New World Foundation, OVEC has temporarily hired, on a part-time basis, Bill Hughes of Wetzel County, WV. Hughes is working with citizens faced with the impacts of fracking in the northern-central part of the state. He’s chairman of Wetzel County Solid Waste Authority and an active member of the Wetzel County Action Group. He’s quick to note that Ed Wade is another active member of WCAG.*

*responders couldn’t talk to the gas companies about the problem.*

*One rescuer told his dispatcher, “They threatened to have us arrested if we stepped on their well site.” West Virginia law says fire officials are to be recognized at emergency scenes, “except on industrial property where trained industrial fire-fighting personnel are present.”*

Hughes monitored the site over the course of several days, taking photos and getting those to DEP, along with residents’ worries. The tanks on the site “were constantly venting noxious fumes,” Hughes wrote to an official. He said DEP should make the company “put vapor recovery units on the tanks immediately and never permit any more fumes off this well pad.

“These residents should not have to live this way — to be afraid to be gassed in their homes overnight. This is not that difficult to fix. Someone must make Jay-Bee do it. Does anyone have that authority before something get worse?”

Hughes e-mailed a county emergency official, “Have you considered asking the DEP to completely shut down that well pad until JB can demonstrate that they are not a danger and health and fire hazard to the residents? Those residents have had enough close calls now. If anything worse or additional happens, someone might be asking you or the sheriff or anyone else they can blame, ‘why did you not do something before now?’ Our neighbors should not have to fear that if they go to sleep any given night that they will be gassed to death.”

As the situation continued, Hughes sent another e-mail to a DEP official on March 31:

*In addition to the previous explosion and the numerous spills, the constant release of harmful, noxious gas fumes with the clear knowledge, consent and approval of the local OOG Inspector, significantly erodes what is left of your professional*

reputation. You must keep in mind that your statements, behavior and actions, (or inactions) are deemed representative of the WV DEP as a whole, to many of the residents there.

It is appalling that residents on Big Run, have had to leave their homes to sleep elsewhere because of the dangerous gas fumes in the valley for at least the past three or four nights. The existence of these dangerous vapors is absolutely unnecessary, avoidable and it is judged unbelievable by the many others who are daily becoming more aware in detail, of what the WV DEP Office of Oil & Gas Inspector is permitting and tolerating.

DEP's OOG was less than helpful, but DEP's Office of Air Quality (OAQ) did respond.

On April 1, DEP's OAQ issued a Notice of Violation to the company, saying that it had violated air-quality regulations and faced a fine of \$10,000 per day for unpermitted emissions.

Hughes e-mailed OAQ, "We greatly appreciate your prompt response to the Air Quality problems on Big Run. So many residents there and their families nearby had about given up hope that *any* state agency would respond to them. As you know, this has been a problem operator and a problem well pad since before they pushed dirt. Now, if we only could get our OOG to begin to actually represent the citizens and the residents and to do environmental protection and enforcement. I know that is a rather novel concept."

Although OAQ's Notice of Violation (NOV) was welcome, it did give JB 30 days to respond.

"Thirty days to come up with a plan! In the meantime, the residents can go live somewhere else?" Hughes says.

In an April 2 e-mail to fracktivists, Hughes noted that the NOV ordered JB to include in its response to DEP information about potential air emissions from its other sites in West Virginia.

Hughes says that this part of the NOV "might be the most important effect of this whole unnecessary, disturbing, disgusting, irresponsible trampling upon the basic human right and need to feel safe in one's own home and to be able to trust that you can keep your grandchildren there with you without putting them in harm's way."

In early May, Hughes and Teresa Jackson, one of the closest neighbors to the well pad, were among the presenters who spoke to a WV Council of Churches meeting about fracking's impacts in the state. The Jay-Bee Lisby pad was a featured topic. 🍌



## Hot Topic: Fracking Waste

On April 21, Public News Service (PNS) – WV reported that testing indicates wastewater from the Meadowfill Landfill near Bridgeport, WV, is showing widely varying levels of radioactivity, "sometimes spiking to 40 times the clean drinking water standard. The radioactivity occurs naturally in the drill cuttings and brine that come from Marcellus gas wells, so it is in the waste dumped in Meadowfill and other landfills."

"We are putting radioactive waste in a bunch of landfills in large quantities, and we don't yet know the long-term danger of doing this," Bill Hughes told PNS reporter Dan Heyman.

"We haven't normally been putting radioactive material in a municipal waste landfill. We're not set up to process, handle, test, dispose. We don't know what we're doing," Hughes told PNS. 🍌

*As far as I can tell, I am the only person in the state who for many years has been an informed activist and documenting observer of all things Marcellus and also on a county Solid Waste Authority. The community and environmental problems associated with the transport and disposal of liquid, semi-solid and solid waste products from black shale operations are only going to become a larger problem for the states.*

*As usual, WV is not being very proactive in assessing either the short-term or long-term concerns, especially with regard to the radioactive components of the shale waste. That is why I have spent so much time at the State Legislature working on the issues of shale and solid waste.*

— Bill Hughes



# Faith Community: Divestment UUA

by Rose Edington

This is my first *Winds of Change* article as the newly elected chair of the OVEC Board. I've recently retired as co-minister from the Unitarian Universalist Congregation in Charleston, and I'm delighted to have more time for my favorite environmental justice and action organization. Both OVEC and Unitarian Universalism give me ways to express my passion for a healthier planet.

I believe that one way leading to a healthier planet is to dis-invest from fossil fuels. Divesting has become a global call from religious groups, college campuses and environmental justice organizations. It's simply not right for fossil fuel companies to profit from ruining our earth.

To quote the Reverend Bob Massie, "The business model of the fossil fuel industry is based on destroying the planet." Massie, an Episcopal priest, left NYC's Grace Episcopal church for Harvard's business school to seek ways to bring Christian ethics to the business world. He founded INCR, the Investment Network on Climate Risk.

I'd like to share some of the ways the Unitarian Universalist Association (UUA) is dealing with fossil fuel divestment. In June of each year, we hold a General Assembly (GA) made up of delegates from member congregations to help determine the work of the UUA.

GA 2013, meeting in Louisville, KY, had a social justice focus on the impact of extraction industries on Appalachia and how this contributes to developing a theology of and actions for eco-justice. Among the actions we took on was the call for fossil fuel divestment.

The GA 2013 Public Witness event was the largest environmental justice rally ever held in Louisville. Besides UUs from across the nation, it involved Kentucky Interfaith Power and Light and various KY environmental justice groups. Guest speaker Wendell Berry endorsed the call for divestment. He called on us to "understand that fossil-fuel energy must be replaced not just by clean energy but also by less energy. ... If we're not in favor of limiting the use of energy, starting with our own use of it, we're not serious. If we're not in favor of rationing energy, starting with the fossil fuels, we're not serious. If we have the money and we're not willing to pay \$2 to keep the polluting industries from getting \$1, we're not serious. If, on the contrary, we become determined to keep the industries of poison, explosion and fire from determining our lives and the world's fate, then we will steadfastly

reduce our dependence on them and our payments of money to them. We will cease to invest our health, our lives, and our money in them."

(I wore my neon green "Stop Mountaintop Removal" hat from Larry Gibson to the rally. We were in the hot sun, so I loaned my hat to Wendell Berry. It looked good on him! After the rally I told him he could keep it. He thanked me but said he had enough hats so I returned it to my head, wishing some of Berry's wisdom could pass from his head, through the hat and into my head.)

After Berry's inspiring words, how could we UUs not consider divesting? In a plenary session after the rally, we delegates passed an Action of Immediate Witness: "Therefore be it resolved that the 2013 General Assembly of the Unitarian Universalist Association calls upon delegates to begin a denomination-wide conversation within their congregations about divesting from fossil fuels or exercising shareholder influence."

Some delegates felt it was important to work for reform by keeping enough investment in fossil fuel industries to raise issues as stockholders. I believe including this option is good because it keeps more people in the conversation and gives a different kind of feedback to the industries. However, I personally don't believe we can really reform fossil fuel industries; I believe their logical conclusion leads to planetary ruin, and I'd prefer putting my time and money into renewable energy.

Some of the suggestions for discussion within congregations include:

- Stopping any new direct investments in fossil fuel companies, as listed in Carbon Tracker reports;
- Divesting of all direct securities holdings in fossil fuel companies within the next five years;
- Investing in diversified, socially responsible, climate-friendly securities and securities in the renewable energy and efficiency sector;
- Investing in making their own facilities more energy efficient, make widespread use of renewable energy, adopt conservation and efficiency measures;
- Evaluating the effectiveness of shareholder advocacy; and
- Retaining the option of owning the minimum number of shares necessary to be an activist shareholder. These shares would be considered "influence payments" and not investments.

Since GA 2013, the call to divest continues to gather momentum and inspire debate among UUs. The 2013 Canadian Unitarian Council also passed a resolution of divestment. The office of the UU Ministry For the Earth (UUMFE) and the UUs for Fossil Fuel Divestment and Sustainable Reinvestment (UUFFDSR) have developed resources for the suggested discussions. They receive and share information from congregations about what we're



learning in these discussions.

Especially exciting to me is that UUMFE and UUFFDSR have worked to develop a Business Resolution for delegates to vote on during GA 2014, coming up in June in Rhode Island. An Action of Immediate Witness (such as the 2013 divestment call) allows UUs to respond quickly to an urgent social issue. The entire creation and adoption process takes place during GA.

A Business Resolution comes to the GA by petition. When passed, it becomes a formal expression of the will of a GA that directly affects the administration and structure of the UUA. It may originate with individual UUs, or a congregation or a district, but, before it can be accepted for consideration, it must have a minimum of 10 signatures of members from 25 different congregations.

To date, the Business Resolution calling for the UUA, in response to climate change, to divest its fossil fuel industries within five years, has signatures from 92 congregations, and was endorsed by the UUA Board at their April meeting. GA delegates from member congregations will vote on accepting this resolution in June.

During the board meeting, trustees heard testimony from members of the Investment Committee, the Socially Responsible Investment Committee, divestment advocates and investment experts — all of whom favor disinvestment. The board then decided that the UUA should “use all tools available to it to influence corporate action on climate change, including shareholder advocacy and divestment of shares in companies doing the greatest harm to the environment.”

I’m quite optimistic that, because the Action for Immediate Witness passed in 2013 and there’s already been so much positive action around it, that this Business Resolution will pass in 2014.

Living here in WV, even while calling for divestment from the fossil fuel industry, I can’t help but be concerned about those who work for fossil fuel industries and their need for sustainable work. Clean energy provides sustainable work. We need more imaginative government officials who are not afraid to talk about and implement ways for renewable energy to become our reality.

I find it heartening to know that clean energy companies are growing faster than fossil fuel industries as



Left-to-right: Reverend Mel Hoover (Edington’s husband), Reverend Rose Edington, Paula Swearingen (with megaphone) and Charleston NAACP president Kenneth Hale lead the February 8 My Clean H2O Matters march through the streets of Charleston, WV.

employers; that more people are now getting work in clean energy and related technology businesses than in oil, gas and coal; and that the solar industry is employing 119,000 people (more people than are employed in coal mining) in 5,600 companies in all 50 states and is growing. (Info from Eco-Watch, 12/14/2012.)

Because acting locally has global

implications, I also have a selfish motivation for fossil fuel divestment. My adult daughter now lives in Seattle, where the air is clearer. She grew up dealing with asthma. Now the only time she needs asthma medication is when she visits her family in WV. I want her to be able to have healthy visits. Even more, I want everyone’s children to have a clean environment where they can breathe freely of fresh, healthy air.

For the good of our families, for the good of our state and for the good of our planet, I am thankful to be part of the movement for divesting from fossil fuel industries.

To learn about why we need to divest from fossil fuel, a good resource is Bill McKibben’s July 19, 2012 *Rolling Stone* article “Global Warming’s Terrifying New Math,” which you can find via an Internet search engine. To read the text of UU resolutions and access to UU divestment resources, search for “UUs for Fossil Fuel Divestment and Sustainable Reinvestment.”

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# UN Urges Huge Increase in Green Energy to Prevent Climate Disaster

The United Nation's Intergovernmental Panel on Climate Change (IPCC), a panel of 200 scientists, reported in April that the most realistic option for the future is to triple or even quadruple the use of renewable energy. It will take this sort of decisive action to keep atmospheric carbon dioxide levels below the critical level of 480 parts per million, before 2050. The scientists stated that if carbon dioxide levels go beyond this level, the chances of curtailing global climate disaster are poor.

The report — the third in a series by the IPCC

— is intended as an urgent appeal to nations to spend around 1-2% of GDP in order to replace power plants that burn fossil fuels, the major cause of global warming, with renewable sources. The costs to achieve this are “modest,” according to the IPCC. (But, we at OVEC note, the political challenges are enormous.)

The second report, issued a month earlier, warned of devastating impacts on agriculture, economies and human health, as a result of climate effects such as drought, flooding and severe storms. 🍌

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## New Climate Report Fuels Calls for Action in WV

*excerpted from a May 7 Charleston Gazette article by Ken Ward Jr.*

A major new report detailing how climate change is already disrupting the nation's weather, communities and commerce is bringing more calls for West Virginia leaders to focus on addressing global warming pollution and diversifying the economy in the state's coalfields.



The National Climate Assessment warns that summers are already longer and hotter and that rains are already coming in heavier downpours. Americans are experiencing longer and more severe seasonal allergies, the report says.

More dramatic impacts include more frequent flooding in coastal communities and along larger rivers, earlier wildfires produced in part by hotter and drier weather, along with sea-level rises and autumn storms that bring more erosion, the 841-page report says.

“Climate change, once considered an issue for a distant future, has moved firmly into the present,” said the report, written and reviewed by a team of 300 scientists and required by a 1990 law signed by then-President George H.W. Bush.

The report says “aggressive and sustained greenhouse gas emissions reductions by the United States and by other nations” would be needed to avoid the worst impacts of climate change.

Among other findings, the report projects that Southwestern West Virginia could experience more than 60 additional days per year above 90 degrees by 2050, compared to the end of the 1900s, if greenhouse emissions continue to increase. The increased frequency, intensity, and duration of heat waves “will affect the region's vulnerable agriculture and ecosystems,” the report says.

Also, the report projects that mountainous regions

in West Virginia could experience “more intense precipitation events” that will “mean greater flood risk, particularly in valleys, where people, infrastructure, and agriculture tend to be concentrated.”

“The National Climate Assessment is important, but West Virginians don't have to look to Washington to understand the

reality of climate change,” said Tom Rodd, a leader of the West Virginia Allegheny Highlands Climate Change Impacts Initiative. “West Virginia gardeners, farmers, hunters, scientists, government officials, and more are already seeing the damaging impacts of climate change — including increased flooding and extreme weather like derechos.”

The report warns of huge costs for dealing with unabated climate change. In West Virginia, Gov. Earl Ray Tomblin and other state and local leaders joined with the coal industry for another in a series of meetings to promote opposition to the EPA's plans.

Jeremy Richardson, a West Virginia native who works on climate change issues for the Union of Concerned Scientists, said he hopes the National Climate Assessment's findings could help move the state's discussion away from simply fighting EPA regulations.

“In West Virginia, we might be inclined to think that these impacts are limited to rising sea level along the coasts, but we really will feel the impacts from a changing climate in our own backyard, as well — in the form of more frequent heavy precipitation in the mountains and more frequent heat waves,” Richardson said. “Instead of denying the problem, our elected leaders and industry backers need to recognize that coal use is one of the major drivers of climate change.” 🍌

# Building Climate Resilience in An Era of Crisis

by Abe Mwaura

West Virginians have always had to contend with a difficult environment. The first indigenous peoples in the region were mostly nomads, who followed big game animals into the mountains and valleys. When those animals became extinct, the people transitioned to a new way of life —surviving by hunting smaller game, fishing and cultivating plants for food. This change in lifestyle is the essence of resilience, and we are entering a time when we are again in dire need of this historic human ability.

There are three overlapping layers of resilience:

- anticipatory (preparing for future disaster);
- responsive (putting a plan into effect during the disaster);
- and adaptive (adjusting to a new post-disaster reality).

Many OVEC members have already been part of community-based resilience since January, when a chemical used in processing coal (MCHM) leaked into the water supply of 300,000 people in central WV. This horrifying incident helped people in the more populous areas of the state understand the water contamination crisis that has been going on for quite some time in regions where coal mining and fracking is underway (anticipatory). People who had been working on these issues united with people newly motivated to action by the chemical leak (responsive). Current efforts to leverage the moral outrage sparked by the crisis into policy measures and organizational power are examples of adaptive resilience.

Responding to climate change requires a similar resilience effort, but on an unprecedented scale. There is no post-disaster scenario; instead, climate change will be an ever-deepening crisis for the foreseeable future. Like those distant ancestors, who understood that their existence was tied to the land and who had to change their behavior when conditions changed, we, too, are going to have to learn to live in a new environment. The main difference is that we have to do so to an unprecedented scale, quickly and systematically to create a just, resilient new culture that respects the land and no longer feeds on systemic oppression of entire populations of people. This oppression and alienation from each other and the land is what has brought about the climate crisis to begin with.

A core idea in organizing for nonviolent social change is that those who are the most vulnerable to oppression have the highest moral voice. Gandhi asserted, “The



Abe Mwaura at a 2012 NATO protest in Chicago. Photo by B.

measure of a country’s greatness should be based on how well it cares for its most vulnerable populations.” It therefore strikes me that the ongoing water crisis in West Virginia has forged a group of people who have the moral authority to help lead the country toward community-based climate resilience.

But how can we even think of organizing to become more resilient in the face of climate

change, when so many people struggle just to put food on the table? The list of issues and injustices facing poor and working class families can be overwhelming obstacles to people being able to actually build for themselves a better quality of life.

But poverty is a symptom of a stagnant system that renders the land and people only as valuable as how much profit can be extracted from them. This mentality puts climate change at the intersection of issues such as economic justice, racial justice, indigenous rights, food, water and so on. Through this lens, the WV water crisis is recent proof of the reality that the climate crisis is disproportionately affecting certain groups of vulnerable people, in this case Appalachians. If we organize around climate resilience, we have a chance to take action in a way that can address several problems at once.

Often, communities have unused resources, land and buildings, and a “think tank” can be found among people who are interested in improving local life. Community leaders can recount all the fights they’ve been in for decades. These communities are being left out of governmental climate adaptation planning going on at the national and global level but have a chance to define what it means to be climate resilient at a grassroots level.

Will we leave the next generation with adequate spiritual, organizational and material resources — even water — to continue to pursue justice in an earnest way? If we stretch our imaginations to understand what the next generation will face, while analyzing current conditions, then we can better prepare, respond and adapt in a way that builds community-based resilience. We are progenitors if not by blood, then by spirit, of the movement of the next generation, which means we must shed the veil that keeps us separated from those who aren’t born yet. Our actions matter to them.

*Abe was an organizer for OVEC from 2004 to 2008. He currently works on social and climate justice issues in the Chicago area. 🍌*

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## Save These Dates!

We hope you'll join us the evening of Friday, **August 8**, for OVEC's annual member and invited guest picnic at Coonskin Park in Charleston. Members will receive an invitation by mail. You can also call the OVEC office at 304-522-0246 for more information or to volunteer to help make this our most fun picnic yet.

If you are a writer, storyteller, poetry reader, native plant or animal specialist, musician, etc., and would like to perform and/or teach your craft at the picnic, please contact Robin Blakeman at 304-522-0246 as soon as possible.

The Alliance for Appalachia invites you to Washington D.C. to "Mobilize for Our Water, Our Future" on **September 8 - 9**. Check with your OVEC organizer for details.

Our third Annual Wellness and Water conference is set for **October 3 - 4**. We'll examine in depth the water and health effects of fossil fuel extraction, processing and waste disposal. Hear keynote speakers, participate in panels, learn from impacted residents and join in roundtable solution-focused discussions. OVEC organizes this event along with WV Highlands Conservancy, the WV Chapter of the Sierra Club, WV Citizen Action Group, the Doddridge County Watershed Association and, this year, People Concerned About Chemical Safety.

Anyone interested in helping plan and carry out this event should contact Robin Blakeman at the above number.