

Natural Resource Committee Hearing, "Jobs at Risk: Community Impacts of the Obama Administration's Effort to Rewrite the Stream Buffer Zone Rule"
September 26, 2011 Charleston WV.

Written testimony submitted by Bo Webb

The very title of this hearing indicates a bias against those of us who are living (and dying) in mountaintop removal mining communities. The title suggests that jobs are at risk if the SBZ rule is corrected. The SBZ rule must be corrected in order to protect The People's health. It's been broken and it needs fixed.

Let us not forget, President Ronald Reagan, your president, my president, in 1983 created the Stream Buffer Zone Rule because he realized the responsibility he had to protect America's water supply in the face of an industry that was moving more rapidly toward a method of mining that would turn entire mountains into ruin and destroy head water source streams that carry drinking water to millions of American citizens. This committee now shares that responsibility because President George W. Bush, with the stroke of a pen, trashed the Reagan SBZ rule just before leaving office as a present to a coal industry that wills itself to increase profit at all cost, even at the cost of human health.

I will first address the fallacy of job loss with factual data providing referenced resources. This committee would serve The People well if its actions are based upon fact and not coal industry deception and often outright deceit.

Fallacy: Stopping the destruction of Appalachian mountains and streams would cost jobs.

Fact 1: Underground mines create over 50% more jobs than mountaintop removal mines.

Underground mines create 52% more jobs than mountaintop removal mines for every ton they produce -- they employ nearly two thirds of the miners in Central Appalachia while producing just over half of the coal¹.

Fact 2: Unemployment in counties where a high proportion of coal is mined by mountaintop removal is higher than in counties where coal is mined mostly underground. According to data from the Bureau of Labor Statistics from 2000 through 2010, the average annual unemployment rate was 8.6% in Central Appalachian counties where more than 75% of coal production was by mountaintop removal, compared to 6.7% in counties where mountaintop removal accounted for less than 25% of production².

See: <http://www.flickr.com/photos/appvoices/5938215752/>

Fact 3: Historically, the total number of mining jobs has fallen in places where the proportion of coal mined by mountaintop removal has increased. According to the West Virginia Geologic and Economic Survey, the proportion of coal production in West Virginia that came from mountaintop removal mines increased from 19% to 42% of production between 1982 and 2006³. Even though overall production increased, the number of mining jobs was cut in half over the same period⁴.

See: <http://www.flickr.com/photos/appvoices/6167625000/>

Fallacy: More stringent enforcement of the Clean Water Act by the EPA and other federal agencies is creating an economic crisis in Central Appalachia.

Fact: The number of mining jobs in Appalachia has increased since the start of the recession, since the EPA began enhanced review of mountaintop removal permits, and since the EPA released its interim guidance in April, 2010. Since 2007, as production in Central Appalachia has shifted away from mountaintop removal in favor of underground mining techniques, the increase in employment at underground mines has more than offset declines at other types of mines. Employment is up 11.5% since the start of the recession (December, 2007), up 2.5% since Enhanced Coordination Procedures on mountaintop removal permitting were announced among three federal agencies (June, 2009), and up almost 6% since the EPA announced a new guidance on Appalachian mine permitting (April, 2010).

See: <http://www.flickr.com/photos/appvoices/6130794844/>

Fallacy: Ending mountaintop removal would put US energy supply at risk.

Fact: U.S. coal production is limited by demand for coal, not by the ability of companies to obtain permits for mountaintop removal mines. According to energy analysts⁸ as well as executives from Arch Coal⁹, Peabody Energy¹⁰ and Southern Company¹¹, declining Central Appalachian coal production is the result of competition from lower cost natural gas. Mines across the country are producing at just 75% of their capacity¹² - down from 85% in 2008 - and the Energy Information Administration projects that coal demand won't recover to 2008 levels for another 15 years¹³. Coal from mountaintop removal mines could easily be replaced if other US mines were operating at just 81% of their capacity.

See: <http://www.flickr.com/photos/appvoices/5937661551/>

Fact: Coal from mountaintop removal mines accounts for less than 5% of US electricity generation. While coal accounts for nearly 45% of US electricity generation¹⁴, only 15% of that is mined in Central Appalachia¹⁵. Coal from all of Appalachia accounts for less than 9% of US electricity generation, and coal from mountaintop removal less than 5%.

See: <http://www.flickr.com/photos/appvoices/5818441741/>

Fallacy: Prohibiting valley fills would prevent all forms of coal mining in Appalachia.

Fact: The majority of recently approved permits for new mines in Central Appalachia do not use valley fills. A survey of all applications for new mine permits in Central Appalachia that were approved by state agencies in 2009 revealed that just 44% used valley fills to dispose of mine waste¹⁶.

See: <http://www.flickr.com/photos/appvoices/5938219772/>

References and Notes

1. Calculated from MSHA Part 50 data files <<http://www.msha.gov/stats/part50/p50y2k/p50y2k.htm>>; Mountaintop removal production and employment calculated from “strip” mines, as defined by MSHA for mines in Central Appalachian counties.
2. Ibid; Unemployment data from the Bureau of Labor Statistics <<http://www.bls.gov/ces/>>
3. Hendryx, 2008. “Mortality Rates in Appalachian Coal Mining Counties: 24 Years Behind the Nation.” *Environmental Justice*; Volume 1, Number 1
4. MSHA op. cit. 2000-2010
5. MSHA op. cit. 2007-2010; Bureau of Labor Statistics op. cit.
6. EIA/DOE “EIA-923” Database <http://eia.doe.gov/cneaf/electricity/page/eia906_920.html>
7. DOE/EIA Cost and Quality of Fuels for Electric Plants, Table 3.2 for 2007- 2009; Adjusted to 2009 \$ based on Budget of the United States Government: Gross Domestic Product and Implicit Outlay Deflators;
8. Bernstein Commodities & Power Report, 2/18/2011: “No Light for Dark Spreads: How the Ruinous Economics of Coal-Fired Power Plants Affect the Markets for Coal and Gas”
9. Steve Leer, Chairman and CEO, Arch Coal, Inc. presentation to Barclays 2010 CEO Energy-Power Conference on 9/15/2010;
10. Rick Navarre, President and Chief Commercial Officer, Peabody Energy, “Expanding Markets and Peabody Growth Opportunities,” a presentation to the 2010 Analyst and Investor Forum on 6/17/2010

11. Chad Hewitt, Southern Company, "Utility Perspective on the Future of Coal" presented at American Coal Council's Spring Forum on February 3, 2011;
12. DOE/EIA *Annual Coal Report* for 2009. Analysis by Appalachian Voices.
13. DOE/EIA *Annual Energy Outlook*, 2011 Early Release edition
14. EIA/DOE Electric Power Monthly with data for December 2010, Table 1.1: "Net Generation by Energy Source: Total (All Sectors) ";
<http://eia.doe.gov/cneaf/electricity/epm/table1_1.html>
15. EIA/DOE "EIA-923" Database op. cit.
16. Applications for new mine permits approved in 2009 obtained from: Kentucky Department of Natural Resources; West Virginia Department of Environmental Protection; Virginia Department of Mines, Minerals and Energy; US Office of Surface Mining Reclamation and Enforcement, Knoxville Office

I doubt very much if the coal industry has provided any factual evidence whatsoever of jobs loss risk if the SBZ rule is fixed. If so, please provide that evidence to The People.

It would be shameful and woefully incompetent if a United States Congressional committee would take action based upon misleading and false coal industry information. A question of ethics and suspicion would be ever glaring with a hearing that in reality was nothing more than political grandstanding, organized as a "stacked deck" against those who are simply asking for our most basic human needs, clean water and a safe environment. This hearing should desire a just outcome for The People. The outcome of this hearing should not be one that supports those who are benefitting from an endeavor that is killing people in mountain communities. To do so will be a shameful affront to American Democracy. People, American citizens, are dying at the hands of an insatiable coal industry profit machine, and this committee has the nerve to label this hearing with a title that is clearly an attempt to mislead the American people.

Mountaintop Removal and Human Health

Now, I will address the issue that we should be here for, and that is the human health crisis we are facing in mountaintop removal communities.

To date there are 19 peer-reviewed science papers addressing human health in mountaintop removal communities. Just to name a few: *Environmental Research Journal* "The association between mountaintop mining and birth defects among live births in central Appalachia". *The Journal of Rural Health*, 2011 "Chronic Cardiovascular Disease Mortality in Mountaintop Mining Areas of Central Appalachian States". *Community Health* July 2011 "Self Reported Cancer Rates in Two Rural Areas of West Virginia with and without Mountaintop Coal Mining". And it goes on. To place the matter in a national perspective that members of Congress might appreciate, the three congressional districts with the most mountaintop removal consistently rank at or near the three with the worst well-being, according to the annual Gallup-Healthways survey. In 2009 and 2010, the states of West Virginia and Kentucky ranked as the states with the worst and next worst well-being in the country (<http://www.gallup.com/poll/125066/State-States.aspx?wbTabOnly=true>). In 2010, the 3rd Congressional District of West Virginia, where I live, ranked 435th for both physical and emotional health (

beingindex.com/files/2011WBIRankings/LowRes/WV_StateReport.pdf). The 5th Congressional District of Kentucky ranks 435th overall in well-being, (http://www.well-beingindex.com/files/2011WBIRankings/LowRes/KY_StateReport.pdf), and the 9th District of Virginia ranks 434th in both physical and emotional health (http://www.well-beingindex.com/files/2011WBIRankings/LowRes/VA_StateReport.pdf). Clearly, the prevalence of mountaintop removal has not brought about the happy, healthy, prosperous communities that the coal industry has promised. This committee should be alarmed, yet remains silent. The silence has become deafening.

Science does not allow a choice or preference of what to believe and what not to believe. You either believe in science or choose to put your head in the sand and revert to the dark ages. With some of the rhetoric coming from the coal industry today, one must wonder about their acceptance of modern science and living in the 21st century. One of their more recent comments on the alarming birth defects research in mountaintop removal communities is that the research did not take into account that those of us living in mountaintop removal communities are a bunch of inbreds. And while the researchers consistently account for other factors that affect the health of an impoverished community, the coal industry and its political apologists consistently deny the conclusions without offering any credible science as refutation.

Mountaintop removal is an unprecedented form of coal extraction. Nearly a million acres of forested mountains have been obliterated. 2000 miles or more of headwater source streams have been buried or contaminated and countless water wells have been rendered unsafe for human consumption. Mountaintop removal has been in full stride now for only 15-20 years, and already we are witnessing the short term effects of human exposure to this mad method of mining. What are the long term effects? Statistical research on Appalachian birth defects found that a woman pregnant with child has a 42% greater chance of a baby born with birth defects than a pregnant woman living in a non-mountaintop removal community. Equate that to cigarette smoking: a baby born in a mountaintop removal community has a 181% greater chance of a circulatory or respiratory birth defect, while the risk related to mother's smoking was only 17% higher. That, committee members, is staggering. If that does not get your attention, then you simply don't care. Your pro-life claim is no longer credible; it's tossed out the window.

For those of us living beneath mountaintop removal sites, the cold statistics do not compare to the real flesh-and-blood loved ones, the friends and family, that we see perishing from cancer all around us. The industry claims that we cannot prove that they are responsible, yet our common sense tells us that the clouds of silica dust, ammonium nitrate, fuel oil, and blasting residue that smother our communities are a likely culprit. When we raise the issue with the state Department of Environmental Protection, they take no action, either refusing to investigate, showing up after the dust has cleared, or offering a lame excuse. At best, after citizens doggedly pursue follow-up to the complaints, the agency may issue a fine so low that it serves as no deterrent whatsoever to continued bad behavior. When a federal agency takes even the smallest of baby steps to reign in the worst offenders and protect the citizens,

Congress responds by shackling that agency. Our own representatives not only ignore our pleas, but lead the charge to enable further poisoning of our communities. We are consistently told that we must accept what the industry calls “balance.” What this really means is that we must sacrifice everything we have—our homes, our health, our lives, and the lives of our children—so that wealthy coal executives and their Wall Street funders can continue their unfettered extraction of wealth.

While I offer these documents and my statements in the spirit of truth and justice, I have no illusions that they will be seriously considered by this Committee. After all, I have made no campaign contribution. I do not operate a company or media outlet that can deliver votes through an endorsement. The citizens of communities most directly impacted by mountaintop removal lack access to the wealth and power that may sway congressional opinion. Instead, our lives and health suffer from the actions of the companies that do hold that wealth and power.

I ask each of you in the name of our great American democracy to protect our citizens and do not oppose any change to the Bush stream buffer zone rule that will help protect American lives. At the very least, support it being rolled back to the Reagan rule with real and total enforcement.

Let us be reminded that regulatory agencies are created to protect The People from industries that may cause harm to The People. When these agencies, or legislators for that matter, become captured by those they oversee, or their power to regulate is circumvented by acts such as the Bush trashing of the SBZ rule, The People are not well served; America is not well served. Please remember this each and every waking moment of your service to our country. Our future, our children’s future, and our lives depend on it.

Bo Webb

Referenced peer reviewed science research publications associating mountain top removal with negative human health:

American Journal of Public Health Mar. 2011 *“Health-Related Quality of Life Among Central Appalachian Residents in Mountaintop Mining Communities”*

Journal of Health Disparities Research and Practice Volume 4, number 3, Spring 2011 pp. 44-53
“Poverty and Mortality Disparities in Central Appalachia: Mountaintop Mining and Environmental Justice”

Environmental Research Journal *“The association between mountaintop mining and birth defects among live births in central Appalachia, 1996-2003”*

Community Health July 2011 *“Self Reported Cancer Rates in Two Rural Areas of West Virginia with and without Mountaintop Coal Mining”*

The Journal of Rural Health, 2011 *“Chronic Cardiovascular Disease Mortality in Mountaintop Mining Areas of Central Appalachian States”*

Science Mag. Jan. 8 2010 volume 327 *“Mountaintop Mining Consequences”*

Eco Health April 02, 2010: *Ecological Integrity of Streams Related to Human Cancer Mortality Rates*

Geospatial Health 4 (2), 2010, pp 243-256 *“A geographical information system-based analysis of cancer mortality and population exposure to coal mining activities in West Virginia, United States of America”*

Matern Child Health Journal, Jan. 2010 *“Residence in Coal-Mining Areas Low-Birth- Weight Outcomes”*

Preventative Medicine 49 (2009) 355-359 *“Higher coronary heart disease and heart attack morbidity in Appalachian coal mining regions”*

Public Health Reports / July-August 2009 volume 124 *“Mortality in Appalachian Coal Mining Regions: The value of statistical life lost” 24 years behind the nation.”*

American Journal of Public Health Vol 98 No 4 *“Relations between health and residential proximity to coal mining in West Virginia”*

Journal of Toxicology and Environmental Health Part A, 70: 2064-2070, 2007 *“Hospitalization patterns associated with Appalachian coal mining”*

Annals of the New York Academy of Sciences Issue: Ecological Economics Reviews *“Full cost accounting for the life cycle of coal”*

Public Health Reports / July-August 2010 volume 125 *“A comparative analysis of health-related quality of life for residents of U.S. counties with and without coal mining”*

Environmental Justice volume 3, number 2, 2010 *“Learning outcomes among students relation to West Virginia coal mining: an environmental riskscape approach”*