

Legislative Update  
of West Virginia  
Citizen Action Group

January 24, 2014

Volume 14, No. 2

## Legislative Session Summary

by Gary Zuckett

### In this issue:

### Aquapocalypse

It's hard to say (add aqua to apocalypse) but that's what it felt like down here in Charleston and the surrounding counties since Freedom (to leak) Industries polluted our municipal tap water. [Norm details](#) the local citizen response and the flow at the capitol as lawmakers try to make sure this doesn't happen again. WV-CAG is proud to be part of a great team of groups & citizens stepping up to deal with this crisis. Here are some of our allies' web pages to get more info and action items: [WV Environmental Council](#)<sup>1</sup>; [WV Rivers Coalition](#)<sup>2</sup>; [People Concerned About Chemical Safety](#)<sup>3</sup>; the blog [Our Water WV](#)<sup>4</sup>. If you're on Facebook see [WV Clean Water Hub](#)<sup>5</sup> and [Friends of Water](#)<sup>6</sup> as well as the new local grassroots group [CAPE: Citizens Actively Protecting the Environment](#)<sup>7</sup>. This is not a complete list. Many more state and national groups are helping with water replacement and organizing on this BIG issue!

### Minimum Wage Increase in Both Houses

SB 411- referenced to Labor and Finance and HB 4283 referenced Small Business and Finance are now introduced. Both bills add \$1 in two bumps – 60 cents this year and 40 cents the next year. Moving forward the Senate bill would increase the wage yearly to keep up with inflation. See [Brooke's article](#) on this issue.

### Compassionate Cannabis

HB 4264 by Del. Mike Manypenny would allow for doctor prescribed Medical Marijuana in our state. This effort has been endorsed by our Board, [Charleston](#)<sup>8</sup> and other state newspapers, the Silver Haired Legislature and a majority (56%) of the voters in the state. That being said, this is an election year and timid lawmakers may wait until 2015 to make it legal for patients to inhale.



### Treat Expecting Workers Fairly

HB4284, the Pregnant Workers Fairness Act, was introduced today. It is on the agenda of the House Judiciary Committee on Monday. It would require employers provide reasonable accommodations for workers who are with child. This is already law when it comes to people with disabilities but sometimes not applied to women who have temporary health/physical needs due to pregnancy. [WV FREE](#)<sup>9</sup> is the lead on this one.

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## WV-VA WATER QUALITY MONITORING PROGRAM TRAINING

TU and its West Virginia and Virginia Councils are partnering with the West Virginia Rivers Coalition (WVRC) to initiate a new volunteer water quality monitoring program. The program will focus on training volunteers to monitor coldwater resources in West Virginia and Virginia that have the potential to be impacted by the increasing shale gas development.

The goals of the project are twofold. First, to educate volunteers about the potential impacts to fish and wildlife resources in the shale gas region of West Virginia and Virginia and train volunteers to effectively monitor the water quality in these areas. And second, to work with these trained volunteers to conduct water quality monitoring in all priority watersheds that have been identified by WVRC and TU's science team as critical for protecting ecologically significant lands and waters.



**Date: Saturday February 15th, 2014**

**Time: 9:00 AM—2:30 PM**

**(registration opens at 8:30 AM)**

**Location: S. Charleston Public Library**

**312 4th Ave, S. Charleston, WV**

### **Registration Information**

To register for this training or to learn more about the WV-VA Water Quality Monitoring Program please contact **Jaimie Holmes** at **304-614-6699** or at **[jholmes@tu.org](mailto:jholmes@tu.org)**. Please register by February 12th.



*Trout Unlimited's (TU) West Virginia and Virginia Water Quality Monitoring Program is a partnership between Trout Unlimited, the West Virginia Council of Trout Unlimited, the Virginia Council of Trout Unlimited, the West Virginia Rivers Coalition, and the program is made possible by funding from the Appalachian Stewardship Foundation.*

# Bill Eliminating Hand Canvassing, Post-Election Audit Advances

By Julie Archer

A bill to eliminate the requirement that the ballots in at least five percent of randomly chosen precincts be hand counted during the post election canvass (SB 359) was approved by the Senate Judiciary Committee earlier this week and will be voted on by the full Senate on Monday. Unfortunately, this bill, which is being pushed by Kanawha County officials, is on the fast track. Their argument is that the current hand canvass is too time and labor intensive as well as unnecessary because there have been no discrepancies in 10 years between the hand count and the vote count tabulated by their tabulating equipment, or had an adjustment or change in the election outcome based on the canvass. Computer counts are better, more accurate, end of discussion.

During previous legislative sessions, similar bills ended up being placed in a subcommittee after much discussion on the importance of placing election integrity and voter confidence over efficiency, and the proposal was ultimately rejected.

Having done some research into best management practices for post-election audits and consulting reputable election integrity and good government organizations like Verified Voting and Common Cause, we've learned is that percentage based audits that specify auditing a fixed percentage of precincts can be both inefficient and ineffective and that there are more statistically accurate, fair and efficient auditing methods that could be adopted. The downside is that these other methods are quite complicated. Is there a statistician in the house?

As the bill moves to the House, we'll be working with legislative allies to try to improve the bill to ensure that we have measures in place to check voting system performance. Stay tuned!

(Continued from Front Page)

## Legislative Session Summary

by Gary Zuckett

### Two Steps Back on Clean Water

At the same [Senate Natural Resources meeting](#)<sup>10</sup> this week, the committee moved the bill to regulate above ground tanks SB 373 (his fix for the Au-quapocalypse) and then turned around and passed a rules bill to allow additional toxic Aluminum pollution in all the waters of the state. See the WV Environmental Council article in their update today at [www.wvecouncil.org](http://www.wvecouncil.org).

### Government Whistleblower Bill Public Hearing

HB 4001 (first one introduced in House) would reward citizens for turning in businesses, doctors, contractors, and others who are defrauding the government. This is a good government bill that could save taxpayers lots of money and is very popular even in the conservative southern states like NC and Virginia where even their Chamber of Commerce supports it. Not so in West Virginia's Chamber – Why not? The House Judiciary committee is holding a public hearing at 2PM on Tuesday 28<sup>th</sup> for this one. We'll be there to support it! Get more info on this issue at [Taxpayer Against Fraud](#)<sup>11</sup>.

### Freedom to Discriminate

Often times, bills titles are the opposite of what they would accomplish if passed. This one is a good example. Official title – HB4134 “Establishing the West Virginia Religious Freedom Restoration Act” would give anyone who feels that any law or branch of government from teachers to the governor “burdens that person's free exercise of religion” then they can sue them to undo the burden. I thought we had both a state and federal constitution that already protects religious freedom? This type of legislation is being used elsewhere to discriminate against perceived abortion mandates of Obamacare, gays, and any other bigot's claim of religious belief. If taken to its absurd conclusions where will it take our society? Contact House Judiciary and Speaker and tell them this is bad government.

# #OurChildrenOurBudget - Fight the Cuts!

West Virginians have a long, proud history of helping families – through home-visiting; child abuse prevention, Family Resource Networks and Family Resource Centers. Unfortunately, Governor Tomblin has proposed budget cuts to these vital programs for children and families.

Please contact your legislators and the Governor and ask them to reject these proposed budget cuts!

The governor's proposed budget leaves many of our families out in the cold.

- ⇒ 8.5% cuts to Family Resource Networks and Starting Points Family Resource Centers; even though these programs leverage more than \$5 for every \$1 the state invests.
- ⇒ 25% cuts to In-Home Family Education Home-visiting Programs; even though this program saves money through prevention and helping vulnerable new parents succeed.

⇒ 26% cuts to child abuse prevention funds through the WV Children's Trust Fund,

⇒ 14% cuts to Domestic Violence shelters,

⇒ 7.4% cuts to Child Advocacy Centers who serve sexual abuse victims.

These proposed cuts are painful, not just from a financial perspective, but through the pain of families who will no longer have access to services that help prevent child abuse and domestic violence. The proposed cuts are less than \$1 million, but the human and financial costs will be significantly higher if the budget cuts are enacted.

We cannot be quiet. Please use this Action Alert and visit [number1question.org](http://number1question.org) to contact your legislators and respectfully ask them to save our budget from these drastic cuts. Let them know that these programs are crucial to your family and other families in West Virginia.

February To-Do List						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<u>2</u>	<u>3</u>	<u>4</u> Kids and Families Day	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u> Moral March
<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u> Women's Lobby Day	<u>14</u>	<u>15</u> Water Quality Monitoring Training
<u>16</u>	<u>17</u> Environmental Day	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>	<u>22</u>

# Two Weeks that Were

by Norm Steenstra

This is an opinion piece not meant to provide new information just a hodgepodge of thoughts and observations that resulted from the emotional roller coaster ride over the past two weeks. We've all followed the news reports and many of us had day to day life altered to various degrees. The one thing I think we all have in common across the state is a feeling of disgust at the failure of state and federal regulators and a self policing industry to protect both the waters of the state and its people.

The next day Friday, scores of people again protested outside the Capitol. The efforts were repeated the next day with crowd growing to more than 175 people on a cold day. Again the diversity of the attendees was a microcosm of West Virginians.. On Tuesday, a couple of hundred folks braved the arctic weather to hold a candle light vigil at the Capitol. Most of the candle holders were not the usual environmental activists. All this week new faces wandered the legislative halls expressing

their concerns and demanding state officials to do their job of protecting the waters and people of West Virginia. Also this week, Senator Unger and President Kessler's bill, SB 373, passed out of two committees and now goes before the whole Senate for consideration. The only major opposition came from some Republicans and (Dah!) the coal and gas industry!!

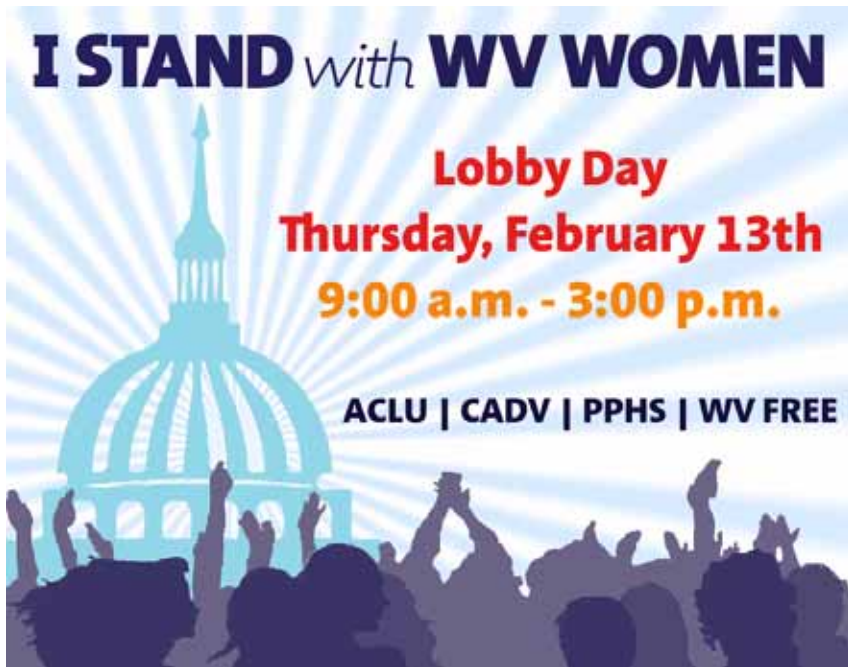


Citizen reaction was amazingly rapid. That response so far has been sustained with numerous events and social media reactions. Within minutes of the "do not drink, bathe or launder" warning was issued Facebook was full of anger and personal horror stories. The very next day a small group of people lined Kanawha Blvd. in front of the Capitol expressing their outrage. Over the next several days a spontaneous group formed as Friends of Water (FOW). Six days after the spill a community meeting was held and over 170 people attended. I love the fact that the group slightly altered the "Friends of Coal" logo and turned it into "Friends of Water". The demographics of the attendees were one of the most diverse that I've ever seen on an environmental issue.

You may follow the debate Monday via the Legislative website --<http://www.legis.state.wv.us/live.cfm> -- when the Senate convenes at 1:30pm. What version of the bill ultimately passes the Senate next week is anybody's guess. However the Governor appears to want to look decisive on this issue. Upon Senate passage the bill (likely Tuesday) the bill goes to the House of Delegates. Watch for WV-CAG updates on our website and Facebook. "Endless pressure, endlessly applied" is certainly called for on this issue.

# Stand with WV Women at Lobby Day

Want to help protect reproductive health care, increase access to birth control, prevent teen pregnancy in West Virginia, and ensure fair treatment for pregnant employees?



Then sign up now for the "I Stand with West Virginia Women" Lobby Day!

*Tentative Agenda:*

- 8:30 a.m.-9:00 a.m. Registration
- 9:00-10:00 a.m. Advocacy Training & Issues Brief
- 10:00 – 11:00 a.m. Sign-making, social media, schedule meetings, visit tables
- 11:00 a.m.-12:00 p.m. Floor session
- 12:15 p.m. Stand with West Virginia Women! Action Event**
- 1:00-4:00 p.m. Lobby visits at the Capitol

Check back at <http://www.wvfree.org/advocacy-2/2014-lobby-day/> for frequent updates!

## Campaign for America's Future is Requesting Your Presence

I'm writing to ask you join us in Raleigh, NC on Feb. 8 to fight for justice. In 2012, right-wing Republicans took over the NC state house and Governor's mansion. They launched attacks on voting rights, education, the environment, healthcare and women. Reverend William Barber II, head of the NC NAACP organized the Moral Mondays Movement and rallied North Carolinians to fight back. They staged protests in Raleigh and across the state. Over a thousand were arrested. On February 8 of this year, tens of thousands of people of conscience will answer the call of Rev William Barber and join in a "Moral March" on the North Carolina General Assembly in Raleigh, North Carolina. Rev Barber asked that we extend this invitation to you to come to North Carolina and join the Forward Together Moral Movement march on Raleigh on February 8. Please come and tell your organizations, workplaces, churches and friends. Spread the word to your email list, Facebook and Twitter. Injustice anywhere is a threat to justice everywhere. Reverend Barber lives this principle which is why we honored him with our Paul Wellstone Award last November.

For more information on the Moral March on Raleigh, visit [http://www.hkonj.com/moral\\_march\\_on\\_raleigh](http://www.hkonj.com/moral_march_on_raleigh)  
Visit <http://www.hkonj.com/rsvp> to RSVP.

Sincerely,

Roger Hickey

Co-Director, Campaign for America's Future

**Moral March on Raleigh - 02/08/2014; Assemble for March - 9:30 am; March Begins - 10:30 am**

**Shaw University, South Street, Raleigh, NC**



# Proposed Minimum Wage Increase Still Below Poverty Level

by Brooke Drake



**\$ NONE?**

In an effort to increase minimum wage, Senators Yost, Miller, and Cookman have introduced <sup>12</sup>[Senate Bill 411](#). If passed, employers will be required to compensate their employees at least \$7.85 per hour beginning June 30 of this year. On June 30, 2015, another scheduled increase will bring that wage to \$8.25 per hour. The final stage takes place on July 1, 2016 when minimum wage will be increased along with inflation. This direct tie has been taking place in Ohio and many other states for years.

While any increase in wages will help affected families, one concern is that this bill indexes a poverty level wage during a major election year. A family of three requires a minimum of \$9.40 per hour full time in order to break the poverty line. It seems workers will still have to rely on tax dollars in order to provide for their families.

An increase in the horrific server minimum wage of \$2.13 is not included in this bill. Senator Miller's secretary stated she believed that something was in the works for those people. While the state of West Virginia has a tipped worker wage of \$5.00 per hour, any business that participates in interstate commerce is exempt from that law. This means corporate chains pay their employees less than half their locally owned counterparts, even though the acceptable tip percentage remains the same. Let me note here that the list of restaurants using safe water in their cooking process after the

chemical spill is about the same as those who pay their employees something closer to livable wages.

Smaller businesses, like Suzi's Hamburgers in South Charleston, already pay their employees as much as they can. Their argument is that starting cashiers with no experience at a slightly higher than minimum rate derives slightly more than the minimum work ethic. This improved standard not only increases repeat business but provides a foundation for the future of West Virginia. Corporations like Wendy's choose to continue the cycle of unskilled low wage labor that represses our society. Claims that prices will increase in lieu of their CEO making a reasonable salary serve to further disconnect the upper and lower classes.

Over two-third of Americans agree that it's time to bring up the bottom by raising minimum wage. This bill won't actually keep tax payers from supplementing the income neglected by business owners. Given recent circumstances, including restaurant employees being out of work or cut back in hours, a proper wage should be provided to all workers so they, too, can stand a chance in this toxic world.

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<sup>12</sup> [http://www.legis.state.wv.us/Bill\\_Status/bills\\_history.cfm?year=2014&sessiontype=RS](http://www.legis.state.wv.us/Bill_Status/bills_history.cfm?year=2014&sessiontype=RS)

# Take Action to Help Reform Water Protections

Now is the time to tell your Delegates and Senators that you support REAL safeguards that protect our rivers, streams, and public water supplies. Make a difference by:

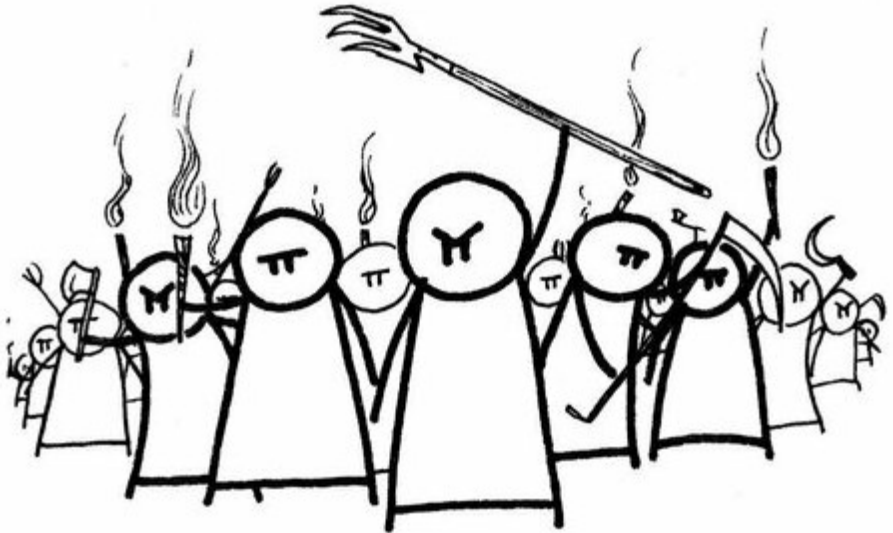
- ⇒ Adding your name to the growing list of West Virginians that demand clean water and signing [this petition](#)<sup>13</sup>.
- ⇒ Calling your legislators and telling them to implement the recommendations of the West Virginia Rivers Coalition(WVRC)/Downstream Strategies report recommendations AND the Chemical Safety Board (CSB) recommendations for a Hazardous Release Prevention Program. [Click here](#)<sup>14</sup> to find your Delegate(s) and Senators.
- ⇒ Calling or emailing your Delegate(s) and Senators and telling them to reject the proposal to WEAKEN water quality safeguards by allowing more toxic aluminum to be discharged into our streams and rivers (SB 136).

As others have mentioned, SB 373 sponsored by Senator John Unger (D-Berkeley), Senate President Jeff Kessler (D-Marshall) and several others cleared multiple legislative hurdles this week and is now headed for a floor vote in the Senate early next week. While we appreciate the sense of urgency in getting something on the books that would require facilities like the Freedom Industries site to register with the state so that inspections can be done, there is some concern that the bill was fast tracked without allowing time for thorough analysis and public input. As amended by both the Senate Natural Resources and Judiciary Committees, the bill incorporates a number of provisions from the Governor's bill (SB 417), including a number of exemptions.

We need a comprehensive, well thought-out prevention plan instead of just rushing to get a new law on the books. The WVRC and Downstream Strategies co-authored report, *"The Freedom Industries Spill: Lessons Learned and Needed Reforms,"* recommends specific ways to close information gaps and strengthen policy remedies as they relate to three key environmental laws — the Clean Water Act, the Safe Drinking Water Act, and the Emergency Planning and Community Right-to-Know Act. These [recommendations](#)<sup>15</sup> will help ensure that facilities prevent the release of chemicals into waterways, especially immediately upstream from public drinking water supply intakes, and that local governments develop and implement protection plans to address the most immediate and critical risks to public water supplies. In

addition, implementing the CSB's [recommendation](#)<sup>16</sup> to establish a Hazardous Chemical Release Prevention Program will improve the prevention of accidental releases of hazardous chemicals, and optimize responses in the event of their occurrence.

Finally, you would think the recent water crisis was enough to change our government's attitude toward water. Think again. Ironically, on the same day it advanced SB 373, relating to water resources protection, the Senate Natural Resources Committee also moved forward with a proposal by the WV-DEP (SB136) to WEAKEN water quality safeguards by allowing more aluminum to be discharged from mining operations. [Click here](#)<sup>17</sup> to learn more about the importance of opposing this change.



<sup>13</sup> <http://www.wvrivers.org/make-a-difference/Keep-our-drinking-water-safe>

<sup>14</sup> [http://openstates.org/find\\_your\\_legislator/](http://openstates.org/find_your_legislator/)

<sup>15</sup> <http://www.wvrivers.org/news/wvriverscoalitionreleaseswaterprotectionrecommendations>

<sup>16</sup> <http://www.csb.gov/csb-issues-report-on-2008-bayer-cropscience-explosion-finds-multiple-deficiencies-led-to-runaway-chemical-reaction-recommends-state-create-chemical-plant-oversight-regulation/>

<sup>17</sup> [http://www.wvecouncil.org/legisupdate/2014/01\\_10.html#a1](http://www.wvecouncil.org/legisupdate/2014/01_10.html#a1)



# Poison, Poison, Everywhere

by Brooke Drake

Finding out my water was poisoned via text message seemed surreal. Without access to media, the news that should have been heard hours, or by some accounts days, before my phone whistled was not consistently received. While most were not surprised to hear of a chemical spill in the aptly named Chemical Valley, too many thought this was just like all the rest. Before the weekend, residents were unsure if boiling the water would help. We later found out it made matters worse by vaporizing the chemical. Reports rolled in on those stubborn individuals that just had to shower every day. Burns, nausea, vomiting- all symptoms of using water in America, or American Water that is.

The smell of licorice penetrated nine counties including the capitol city of Charleston. Walking the streets where wind brought river air to our noses created the aroma of a fraternity party sponsored by Jagermeister. School was canceled and the legislative session was put on hold. Families already dependent on government assistance struggled immediately. While officials decided to bring water to specific drop points, families began spending food stamps on bottled water. Children provided with food through the back pack program missed school for over a week.

Coal River Mountain Watch, Aurora Lights, and other environmental organizations sprang into action. Providing clean water and hot food to over a hundred hungry people at Mary C. Snow Elementary was a beautiful scene. School staff organized a line even fear and anxiety couldn't cut through. A police officer who was on scene to prevent the fist fights the city had seen over water found himself useful by loading donations into cars. People refrained from taking more than they needed, and volunteers moved on with leftover water to other affected areas.

When the water ban was lifted, the community felt relieved. That relaxation lasted as long as it took for the increase in hospitalizations to be reported. That's when we realized we hadn't just been poisoned, we'd been lied to about it. Uncertainties stemmed from the sheer lack of scientific research. Parents didn't feel that their child's future should be based on a toxicity level that killed half the rats tested. Within two days, alerts came out advising pregnant women not to drink the water. Then, over a week after the spill, they decided children shouldn't drink

it after all. Governor Tomblin, [admitting](#)<sup>18</sup> he's not a scientist, says it's our choice to use bottled water if we don't feel the municipal supply is acceptable.

Areas have cut back the drop sites that brought free water to those who needed it. Restaurants have reopened. The stench of body odor has subsided. Thanks to [Maya](#)<sup>19</sup> Nye, WV Clean Water [Hub](#)<sup>20</sup> and Citizens Against a Poisonous Environment ([CAPE](#)<sup>21</sup>), and other concerned citizens, the fires in the bellies of our citizens were not extinguished. Motivational community meetings,



organized call blasts to local government, and rallies at the Capitol including remote locations across the country kept our energy going. Bills have already been introduced to prevent this from happening again. All parties agree that it is time to come together.

As unfortunate and inconvenient as this situation is, it might be exactly what our state needed to get our people to come together. I am honored to be a part of the opportunity, and I don't intend to waste it.

<sup>18</sup> <http://thinkprogress.org/climate/2014/01/21/3184161/westi-virginia-governor-water/>

<sup>19</sup> <http://ourwaterwv.org/>

<sup>20</sup> [https://www.facebook.com/WVCleanWaterHub?ref=br\\_tf](https://www.facebook.com/WVCleanWaterHub?ref=br_tf)

<sup>21</sup> <https://www.facebook.com/pages/CAPE-Citizens-Against-a-Poisonous-Environment/235844596588703>

# It Ain't Broke: Keep CAD Appointment in PSC

by Stacy Gloss

We all know the saying – “if it ain't broke, don't fix it.” This week in the Senate, we are surprised to learn about Senate Bill 313 requiring the Director of the Consumer Advocate Division (CAD) of the Public Service Commission (PSC) to be appointed by the Governor restricting service to a four year appointed term. Senators Snyder, McCabe and Miller sponsored the bill. SB 313 passed swiftly with a voice vote out of the Senate Government Organization Committee on Wednesday and now moves into the Senate Judiciary Committee for consideration.

After much lobbying effort by WV-CAG, the CAD was established in 1981 and is an independent division of the PSC. The primary purpose of the [CAD](#) is to advocate on behalf of residential customers, and strive to obtain the lowest possible rates for their utilities including water, electric, gas and phone. Most recently, the director has her [eye on West Virginia American Water](#) and is concerned that the company will try to raise customers' water due to the Jan. 9 chemical spill in the Elk River.

For now, the CAD Director is hired by the PSC Commissioners. We feel the Commission is both experienced and competent at hiring highly qualified individuals for the role of CAD Director – one who will have a deep knowledge of WV's utility law and will fight to protect residents from rate increases. A governor appointed CAD Director leaves the door too wide open for potential conflict between the interests of residential utility customers and the Administration's interests in promoting business and industry. Also, the Governor is already behind in reconfirming or appointing a new PSC Commissioner. Commissioner McKinney has remained serving on the PSC despite the expiration of his term more than two years ago.

When it comes to having PSC Commissioners hire the CAD Director, we feel the current system isn't broken and it doesn't need fixing. We need the Senate Judiciary to not take up Senate Bill 313 unless of course it's willing to amend the bill entirely to increase the CAD's budget to fight harder for West Virginia's consumers.

## Turn Off the Heat with Energy Efficiency Resource Standards

by Stacy Gloss



As all of us are experiencing brutal cold outdoor temperatures in the single digits, even in Charleston, we at EEWV want to [Turn Off The Heat!](#) We don't think this sounds strange at all.

Nationally, twenty-six states have an Energy Efficiency Resource Standard. According to the American Council for an Energy Efficient Economy, “state EERS policies are driving energy efficiency investments and energy cost savings to unprecedented levels, lowering utility bills, improving building comfort, and reducing strains on the utility grid” (Sciortino et al., “Energy Efficiency Resource Standards: A Progress Report on State Experience,” ACEEE, 2011). But, West Virginia currently has no standard.

The West Virginia Energy Efficiency Act ([House Bill 2210](#)) will require investments in energy efficiency, help to create millions in economic development and create great jobs in West Virginia. These are jobs that cannot be outsourced. Further, an EERS standard will help West Virginia achieve an electricity savings of 15% of 2010 sales by 2025 would save utility customers an average of \$200 million by 2025.

By improving our state's building stock with incentives for energy efficiency upgrades and energy efficient new construction, we can improve comfort - and that means dialing back the thermostat. To help us get House Bill 2210 passed, please [sign our petition](#) today and let your House delegates know that you support the West Virginia Energy Efficiency Act.

Visit us on-line at [www.eewv.org](http://www.eewv.org) and sign up to receive updates to stay in touch about progress of this bill. You can also follow us on Twitter at [@eewv](#).

# WV Citizen Action Statement on WV Water Crisis

by Gary Zuckett

More than a week after tanks at Freedom Industries leaked 7500 gallons of a toxic chemical 4 Methylcyclohexane Methanol (4 MCHM) into the Elk River, citizens across the region remain at risk of exposure. Many citizens are questioning why this disaster was allowed to happen and how will we prevent a disaster like this from happening ever again.



The chemical spill which contaminated the drinking water of 300,000 West Virginia citizens in nine counties was totally preventable. Why would a facility built in 1930, and no one seems to know when last inspected, be allowed to store tens of thousands of gallons of a toxic chemical 1.5 miles upstream from a public water supply? As the sole water source for so many, why didn't West Virginia American Water, like many other public and privately owned water companies, have an alternate water intake or a plan in place to respond to a crisis of this magnitude?

This crisis is a result of the combined failure of local, state, and federal agencies to adequately monitor and regulate chemical storage sites, including the Freedom Industries Facility on the Elk River in Charleston, emphasizing the need to correct the state's culture of lax or non-enforcement of laws and regulations designed to protect the public and our most valuable resource, clean drinking water.

Regulated industries are treated as "customers" by our Dept. of Environmental Protection. Leadership there seems to consider their job to be the issuance of permits to their customers. West Virginia is "Open for Business," but where is the enforcement? Is this disaster a result of the state's mindset as expressed by our governor in his state of the state address when he directly referred to the necessity of "...doing what we can to help the [coal] industry reduce costs,"?

We call on elected officials at all levels of government to move quickly to support and **enact the common sense recommendations of the National Chemical Safety**

**Board** offered over five years ago as a result of the explosion, deaths and chemical exposures at the Bayer Crop Science plant. These recommendations should be enacted with community input to cover both manufacturing and storage facilities dealing with toxic chemicals.

Further, we need comprehensive industrial siting regulations in our state to prevent the precarious siting

of a water plant and chemical storage facility in close proximity to each other without proper risk assessment.

As the recovery of our water supply continues and water is restored to population centers, we should not forget about our neighbors that have yet to be allowed access to the water supply. We also understand and sympathize with those who remain concerned with the safety of the water. As an organization we emphasize the importance of a safe water supply for all West Virginians, including those in the southern coalfields and in the northern fracking fields.

In the short term, our government must be held accountable in further determining safe exposure levels to harmful water-borne pollutants and provide for medical monitoring of exposed citizens who request it to detect both short and long term effects of exposure.

In addition to supporting local businesses that have suffered, we must also make provisions for the many low-wage workers who have been laid off without pay due to circumstances relating to this event. We encourage Governor Tomblin to submit a request for disaster | recognition from President Obama, making affected workers eligible for Disaster Unemployment Assistance.

**West Virginia Citizen Action Group,  
304-346-5891, [www.wvcag.org](http://www.wvcag.org)**

West Virginia Citizen Action Group

1500 Dixie Street

Charleston, WV 25311

Address Service Requested

*“Action for a change.”*



# Possibly Useful Links

- <sup>1</sup> <http://www.wvecouncil.org/>
- <sup>2</sup> <http://www.wvrivers.org/make-a-difference/Keep-our-drinking-water-safe>
- <sup>3</sup> <http://peopleconcernedaboutmic.com/time-for-action/>
- <sup>4</sup> <http://ourwaterwv.org/>
- <sup>5</sup> <https://www.facebook.com/WVCleanWaterHub>
- <sup>6</sup> [https://www.facebook.com/friendsowater14?ref=stream&hc\\_location=stream](https://www.facebook.com/friendsowater14?ref=stream&hc_location=stream)
- <sup>7</sup> <https://www.facebook.com/pages/CAPE-Citizens-Against-a-Poisonous-Environment/235844596588703>
- <sup>8</sup> <http://www.wvgazette.com/Opinion/Editorials/201401230061>
- <sup>9</sup> <http://www.wvfree.org/>
- <sup>10</sup> <http://www.wvgazette.com/News/201401220087>
- <sup>11</sup> <http://www.taf.org/>
- <sup>12</sup> [http://www.legis.state.wv.us/Bill\\_Status/bills\\_history.cfm?year=2014&sessiontype=RS](http://www.legis.state.wv.us/Bill_Status/bills_history.cfm?year=2014&sessiontype=RS)



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