

Congressional Floor Speech by Rep. Frank Pallone Jr.

February 23, 2009 - 4th Circuit Court Decision RE Mountaintop Mining and the Clean Water Protection Act

Mr./Madam Speaker, On February 13th, 2009, the 4th Circuit Court of Appeals in Richmond, Virginia, overturned a federal judge's ruling requiring greater environmental review of permits for mountaintop removal in West Virginia. This was a major blow to communities throughout the Appalachian region.

Mountaintop removal is a mining method where the top of a mountain is blown off to extract thin seams of coal. It permanently destroys streams, forests and mountains. The broken rock, or "excess spoil" from this process is usually dumped into nearby valleys, creating "valley fills" that cover hundreds of acres of land and bury hundreds of miles of streams.

The 4th Circuit Court ruled that the U.S. Army Corps of Engineers can issue Clean Water Act permits for valley fills without more extensive reviews. This was a reversal of a U.S. District judge's ruling that the Corps wasn't requiring enough environmental review before issuing the permits.

This ruling will permit mining companies to conduct devastating mountaintop removal coal mining without acting to minimize stream destruction or conducting strong environmental reviews. Dozens of permits now stand to be rushed through.

The decision is a major victory for coal mine operators in Appalachia and a defeat for the people living in the region.

This ruling continues a disturbing trend. Last December, the EPA under George W. Bush allowed an 11th hour change to the stream buffer zone rule, further unleashing the coal companies to do as they please.

Since its launch in 1970, over 470 mountains in central Appalachia have been blown to bits and a million and a half acres of hardwood forests have been destroyed due to mountaintop removal. The EPA reported in 2001 that over 1,200 miles of headwater streams were buried and polluted by the toxic waste from this destructive method of mining.

People have been drinking the byproducts of coal waste from mountaintop removal for more than two decades. Rather than clean and clear water running out of their faucets, the people of Appalachia have experienced orange and black liquid instead.

The health problems caused by exposure to these chemicals and heavy metals include cancer, organ failure, and learning disabilities. In addition there have been multiple cases of children suffering from asthma, headaches, nausea, and other symptoms likely due to toxic contamination from coal dust.

This is not just another environmental issue -- it's a matter of justice and fundamental human rights -- the right of all people to live free from the fear that a boulder might kill their child in the middle of the night; the right to send your children to a school not threatened by billions of gallons of coal slurry; the right to preserve the streams and valleys that have been part of their way of life; and the right to protect their own land, no matter how much coal might be underneath.

Next week I plan to introduce the Clean Water Protection Act.

This legislation would amend the Clean Water Act to clarify that toxic rubble created by mountaintop removal coal-mining cannot be defined as "fill material" and dumped into the headwater streams of Appalachia.

It is simply inappropriate to allow the excess spoil from this type of mining to be dumped in mountain streams where it can pollute waterways, fill valleys, and in some cases, potentially endanger the lives of area residents.

I believe that the federal government has a responsibility to protect these rights, not to give massive mining companies a free pass to dump their waste into a nearby stream.

We can no longer allow the coal industry to dictate our environmental policy with regard to Mountaintop Removal. There is clear evidence of pollution and chemical exposure due to the practice of blasting away mountaintops. It's time for Congress to step in and protect the communities at risk.

Thanks you Mr./Madam Speaker.