

# WESTERN ORGANIZING REVIEW

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## TPP Dead, NAFTA Next?

The Trans-Pacific Partnership (TPP) is dead. In November, Congressional leaders acknowledged they did not have the votes to pass the deal through Congress.

Wink Davis, a Western Colorado Congress member from Hotchkiss, Colorado, who led WORC's opposition to the agreement, stated, "We are encouraged that input from ordinary Americans is prevailing over powerful multinational corporations. We support trade agreements that provide powerful paths to improve economies, working conditions, food sovereignty, and public health and safety. It's time to create fair trade policies reflecting those values. We delivered that message loud and clear to Congress and the Obama Administration, and they were obviously listening."

Then, in January, one of President Donald Trump's first acts was to withdraw from the TPP and announce that he will renegotiate NAFTA, the North American Free Trade Agreement.



If he is to succeed, Trump will have to learn the lesson of the TPP's demise and build a majority in Congress to pass the renegotiated agreement, said Lori Wallach, director of Public Citizen's Global Trade Watch in The Hill. "Renegotiating NAFTA to remedy the issues that united those congressional TPP opponents is Trump's path to enacting his promised NAFTA fix," she said.

For starters, these include provisions that incentivize offshoring of U.S. jobs and tax dollars, allow foreign corporations to sue a government when it believes its profits have been limited, and undermine "Buy American," consumer, and environmental policies.

Want to follow NAFTA renegotiations in between issues of the *Western Organizing Review*? Go to [www.worc.org](http://www.worc.org) to sign up for WORC's action alerts.

### IN THIS ISSUE:

The View from WORC .....	2
Around the Region .....	4
BLM Methane Rules Stronger Than Expected, Under Attack.....	6
What's Next for Western Coal? .....	7
Congressional Scorecard .....	9
Celebrating New Methane Standards .....	14
Living with Oil and Gas.....	15

# The View from WORC

By Monica Wiitanen, WORC Chair

It is an honor to serve as Chair of the WORC Board. I look forward to working with Vice-Chair Charles Sangmeister, Secretary/Treasurer Linda Weiss, fellow Board Members, member groups, and staff to continue our organizing efforts to build grassroots power. Thank you to Nancy Hartenhoff-Crooks and Rein van West for their service last year as Chair and Vice-Chair.



While it is disheartening to see some of our recent accomplishments attacked by the new Administration, WORC will continue to work with affected member groups and allies to defend our gains and pursue our goals. Here's the situation now:

The Administration placed a hold on an interim final rule on competitive injury issued by the U.S. Department of Agriculture. Under the rule, ranchers contesting meatpacker contracting and buying practices would not have to prove harm to the whole market, a position long held by WORC and independent ranchers. The rule was set to go into effect Feb. 21. We are working with allies to get this rule through.

The Administration may end the pause in leasing federal coal and the reviews of the coal program and royalty rates.

Congress used the Congressional Review Act (CRA) to reject the Stream Protection Rule. The rule would have helped to protect streams and water from harm by coal mines. Moreover, passage of a CRA resolution prohibits federal agencies from putting "similar standards" in place in the future without permission from Congress.

The U.S. House of Representatives passed a CRA resolution to kill the Bureau of Land Management's Methane Waste Rule, and the Senate will vote soon. The rule limits waste from venting, flaring and leaks of natural gas from oil and gas sites on public and tribal land.

The new President ordered expedited review of both the Dakota Access and Keystone XL pipelines. We are working with affected member groups to develop a plan to deal with these pipelines.

On the positive side, the United States has withdrawn from the Trans-Pacific Partnership trade pact and has called for renegotiation of NAFTA. WORC's Trade Campaign Team will weigh in as trade policy develops.

As we saw from the Women's March and the response to the Muslim travel ban at airports all over the country, people are energized, banding together in solidarity. A businesswoman I know is asking people to sign petitions to our Senators urging them to support the bipartisan Bridge Act, which will allow Dreamers and their families to stay and work. So many immigrants contribute to our economy — from farm and orchard workers to high tech. A retired lawyer has reinstated his license to practice so he can help immigrants.

People are responding by doing things they may never have considered before. WORC and the member groups welcome these new action takers who want to be part of an effective organization known for getting results.

Maybe we can all do a little more. If you are not already an action taker, sign up for Action Alerts on WORC's website, [www.worc.org](http://www.worc.org), to stay updated and engaged on these and other upcoming actions. We need grassroots action and leadership more than ever.

## WESTERN ORGANIZING REVIEW

The *Western Organizing Review* is published quarterly by the Western Organization of Resource Councils.

WORC is a regional network of grassroots community organizations, which includes 15,190 members and 39 local chapters. WORC helps its member groups succeed by providing trainings and coordinating regional issue campaigns.

## WORC'S NETWORK

*Dakota Resource Council  
Dakota Rural Action  
Idaho Organization of Resource Councils  
Northern Plains Resource Council  
Oregon Rural Action  
Powder River Basin Resource Council  
Western Colorado Congress  
Western Native Voice*

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WORC saluted Mabel Dobbs for her nearly 30 years of “inspirational leadership, dogged determination and unflinching spirit” in fighting for family farmers and ranchers with WORC. Mabel is a member of both the Idaho Organization of Resource Councils and Oregon Rural Action.



More than 100 people attended a community forum, WHO ARE THE WATER PROTECTORS?, in Bismarck Jan. 15. Dakota Resource Council and Honor the Earth hosted the event featuring water protectors from the Standing Rock camps challenging the Dakota Access Pipeline.

# Around the Region

## A look around WORC's network

### Dakota Resource Council

On Jan. 11, U.S. District Court Judge Daniel Hovland granted Dakota Resource Council (DRC) the opportunity to defend North Dakota's anti-corporate farming law in a lawsuit seeking to overturn the law. The judge recognized that "much is at stake" in this case and that DRC's involvement will help "sharpen the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions."



DRC's intent is to uphold the voice of North Dakotans, who voted overwhelmingly to reject corporate farming in June by a 3-1 margin.

"This case is about the soul of agriculture. Citizens are told that their long-held values are getting in the way of progress, or that the family farm is obsolete. But the truth is just the opposite – the family farm is our future," said Sarah Vogel, DRC member and former North Dakota Agriculture Commissioner. "It is critical for groups like DRC to intervene because they help the people who live and work here to have a voice in these critical decisions about our future."

The North Dakota Farm Bureau filed a lawsuit to repeal the law weeks before the statewide vote in June.

### Dakota Rural Action

Dakota Rural Action's (DRA) Brookings County Chapter is busy with the Pollinator Protection Campaign. Members are developing a tool farmers can use to identify where they can purchase seeds untreated with neonicotinoids pesticides, which are contributing to declining pollinator populations. These chemicals are so frequently used that it can be virtually impossible to find untreated seeds for some varieties of crops.



As part of the campaign, the Brookings Chapter plans to partner with the Deuel County Chapter to host a farmer workshop this summer. The workshop will teach farmers about pollinator health, pollinator habitats, any why use of neonicotinoids is unnecessary for crop production. The

untreated seed finder tool will be available to farmers at the workshop.

Other DRA chapters have shown great interest in this campaign, and there is potential to create statewide impact around the issue.

### Idaho Organization of Resource Councils

As Idaho considers how to regulate the state's young oil and gas industry, the Idaho Organization of Resource Councils (IORC) is working for standards that provide greater transparency, accountability, and better protections for human health, safety, and the environment. On Jan. 25, member Julia Page testified on behalf of IORC before the Idaho Legislature's House Resources and Conservation Committee on a pending state rule to regulate the oil and gas industry.

## The Idaho Organization of Resource Councils

Page told the committee that the rules were unsatisfactory. "[Surface owners] will experience nothing but the aggravation and will be exposed to possible harm through increased heavy traffic, burden on local infrastructure including schools, law enforcement and medical facilities, or through spilled oil, gas and drilling fluids," she said.

The 300-foot setback for wells and associated facilities was inadequate to protect homeowners from health and other impacts of oil and gas development, Page said.

The committee rejected the rules on a voice vote. Further action is unexpected, according to knowledgeable sources.

### Northern Plains Resource Council

The Montana Board of Oil and Gas Conservation voted 4-3 Dec. 14 to adopt a rule requiring oil and gas operators to notify landowners within 1/4 mile of a proposed oil or gas well of applications for permits to drill. With the adoption of this rule, notification of neighboring landowners will have to occur before wells are permitted so neighbors have the opportunity to comment on projects while they are still in the planning phase. Northern Plains Resource Council has worked for landowner notification for nearly two years, so this is big victory.



Prior to the decision, landowners adjacent to an oil and gas lease received no notice of proposed wells or the opportunity to come before the Board with concerns. Wyoming and North Dakota both require notification of adjacent landowners.

### Oregon Rural Action

Oregon Rural Action (ORA) members have focused on expanding the organization's base, lobbying local legislators, and co-hosting forums, film screenings, trainings, and public meetings on issues of concern to ORA members. Events have ranged from public screenings of the health care documentary Fix It, to public forums on the patriot movement, to information sessions on the proposed Boardman-to-Hemingway transmission line, to community events in support of Standing Rock and Martin Luther King, Jr. Day.



### Powder River Basin Resource Council

To mark National Ag Day in 2016, the Powder River Basin Resource Council sponsored a video contest for Sheridan County students in grades 9-12. The theme was Agriculture: Stewards of a Healthy Planet. Students also had to define sustainable agriculture, discuss how



sustainable farming and ranching practices contribute to a healthy planet, and describe the benefits of sustainable agriculture to their local community.

Students from Ft. Mackenzie High School garnered first place and a \$250 scholarship with their video Happy Planet, Happy Horses. Second place and a \$200 scholarship went to a team of students from Tongue River High School. Another team from Tongue River took third place and a \$150 scholarship.

“We appreciated giving our local high school students the opportunity to showcase their talents and explore the benefits of sustainable agriculture to our community,” said Marcia Westkott, Powder River Board Member.

### Western Colorado Congress

As part of the coalition Colorado Families for a Fair Wage, Western Colorado Congress (WCC) members, staff, and supporters knocked on 6,848 door in four counties in a successful campaign to raise the state's minimum wage. Last summer, WCC members gathered over 1,000 signatures to help put minimum wage measure, Amendment 70, on the Nov. 8 ballot. More than 50 volunteers participated in WCC's campaign.

Passed with 55% of the vote, Amendment 70 increased the minimum wage by a dollar an hour to \$9.31 on January 1. The minimum wage will increase 90 cents an hour annually until it reaches \$12 an hour in 2020.



WCC joined the coalition because members believe fair wages are part of healthy and sustainable communities.

### Western Native Voice

Get-out-the-vote (GOTV) efforts by Western Native Voice (WNV) helped to increase Native American turnout on Montana's seven Native reservations. Phone calls, rides to the polls, and door knocking bumped turnout in Native communities from 57 percent in 2012 to 59 percent in 2016, eclipsing the national turnout rate of 55 percent. For the first time in Montana, voters elected a Native American to represent an off-reservation legislative district.



As part of the effort, WNV registered approximately 2,500 voters. GOTV work began in late September. On Oct. 12, satellite voting offices opened on six reservations. Early efforts by WNV focused on public education and how to use the satellite offices.

# BLM Methane Rules Stronger Than Expected, Under Attack

The Bureau of Land Management (BLM) recently released its final standards addressing the waste of natural gas via flaring, venting, and leaks. Since 2013, the WORC network has advocated for the finalization of the rule.

Shortly after release of the rules in November, the oil and gas industry, states, members of Congress, and President-elect Trump made it clear that their intentions were to kill the rule. Forty-five minutes following the release of the rules, industry groups Western Energy Alliance (WEA) and Independent Petroleum Association of America (IPAA) filed suit against the rule. Then, three states also joined in the suit: Montana, North Dakota, and Wyoming.

WORC is intervening in the suit to protect the rule, along with other conservation, environmental, and health organizations and two states, California and New Mexico. Beyond the courts, the rules could under attack in Congress through the Congressional Review Act and the budget reconciliation process.

The purpose of a federal rule, like the BLM methane waste rules, is to set a strong floor or set of minimum standards that must be adhered to. After analyzing the BLM rules, WORC found a strong floor and some clear improvements, compared to the draft rule. Below, we provide a full analysis of the rule.

## Flaring

Overall, the final rules are an improvement over the draft rule. When fully implemented in 2025, the rules will be stronger than some state rules on flaring on the books in Colorado, Montana, North Dakota, and Wyoming. The rules require companies to reduce flaring from both a percentage of gas captured standpoint and volume standpoint. The percentage capture goals are:

Years	Capture Goals
2018-2019	85%
2020-2022	90%
2023-2025	95%
2026	98%



Oil and gas companies waste \$330 million worth of U.S. taxpayer-owned natural gas annually through flaring, venting, and leaks.

These capture goals are similar to the North Dakota flaring rule and provide an approach that steps up capture with time. North Dakota's rules require a phased-in capture percentage that ends in 2020 with 95%.

The allowable flare volumes are:

Years	Flare Volumes
2018	5,400 mcf/month or 180 mcf/day
2019	3,600 mcf/month or 120 mcf/day
2020	1,800 mcf/month or 60 mcf/day
2021	1,500 mcf/month or 50 mcf/day
2022-2023	1,200 mcf/month or 40 mcf/day
2024	900 mcf/month or 30 mcf/day
2025	750 mcf/month or 25 mcf/day

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# What's Next for Western Coal?

Competition between coal, natural gas, and renewable energy has only increased over the past several years. Determining what 2017 will bring for western coal and residents of western coalfields requires looking back as well as forward.

A number of significant developments in 2016 exposed the continuing decline of the nation's coal-mining industry.

The country's two largest coal companies, Peabody Energy and Arch Coal, filed for bankruptcy during the first half of 2016. Layoffs across the industry have been mounting for years, culminating in the firing of 15% of the employees at each of Peabody and Arch's workhorse mines in Wyoming. These were the mines' first major layoffs.

Arch's proposal for a mine at Otter Creek in southeastern Montana was put to rest after a key permit was denied, preventing construction of the Tongue River Railroad.

Although the year saw resurging international coal prices, only modest export shipments have been possible from Colorado, Utah, and Montana mines.

Natural gas prices remained persistently low, continuing to undercut the viability of coal-fired electricity. No plans to build new coal-fired power plants were announced during the year.

The year also saw major steps to require the coal industry to internalize the costs and risks of its operations.

The Department of the Interior announced a top-to-bottom review of its coal leasing program. The last such review was completed under President Reagan. The review is designed to probe whether taxpayers are getting a fair cut from the leasing of public resources, and whether the program is aligned with the country's climate change goals.

In bankruptcy court, Alpha Natural Resources and Arch Coal pledged to shore up their financial assurances backing mine cleanup, replacing nearly \$1 billion of risky self-bonds with collateral and third-party guarantees.

## Year of Bankruptcies: How did we get here?

In the last five years, over 50 coal companies have filed for bankruptcy across the country, some filing multiple times. Between August 2015 and April of 2016, the three largest companies in the country all filed for bankruptcy within eight months of each other. Those companies are Alpha Natural Resources, Arch Coal, and Peabody Energy.



The news carries many stories about how regulations and cheap natural gas are hurting the coal industry's bottom-line. Make no mistake, these are both factors: cheap natural gas has taken over coal's market share for electricity production, and federal rules have required coal plants to clean up their pollution, which costs utility companies money to keep running old, polluting facilities. Many electric utilities have opted to shut the plants down instead.

In large part, however, the coal industry's bankruptcies were brought on by the hubris of coal company executives who took their companies on a run of debt-funded acquisitions at the top of the coal market in 2011.

The price of metallurgical coal, which is used to make steel, suddenly spiked in 2011. China became a major importer of coal in the preceding years. The country's demand for coal was so large that it overwhelmed its domestic supply, and coal exporting countries like Australia and Indonesia could not keep up in late 2010.

*continued on page 8*

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Executives at U.S. companies thought these prices were the new normal. Instead, we know today, it was a bubble created by China's changing demand. From 2011 to 2015, prices fell lower and lower, removing the margin that coal companies planned to exploit.

In the coal price run-up during 2009-11, coal executives made big acquisitions of metallurgical coal companies. Those acquisitions were funded by billions of dollars in debt. Metallurgical coal prices deflated as the Chinese economy slowed down due to slower overbuilding of infrastructure. When that happened, the earnings those executives were counting on to pay back the debt did not materialize. A raft of companies filed for bankruptcy as they were running out of cash.

Coal exporters in Australia, Indonesia, and Russia also responded to the price spike by ramping up production at their own facilities. This created a big supply glut that contributed to tanking prices.

In March 2014, a coal industry analyst from the consultancy Jefferies published a note decrying the debt-funded acquisitions. "[T]he problem for U.S. coal did not start with the weak natural gas prices of 2012. Rather, we'd argue the problems started with a wave of M&A [Mergers & Acquisitions] during the previous year. In two decades covering the mining industry, these were some of the most regrettable transactions we had ever seen."

### **Post-Bankruptcy World: What's to come?**

There are a whole host of federal rules and initiatives that regulate air quality, protect clean water, and ensure taxpayers get a fair return on federally-owned resources. Many have gone into effect during the Obama Administration, and, because they were done by executive action rather than in response to laws from Congress, the new administration could roll them back, and has, in fact, promised to do so.

Although November's election results mean that the regulatory environment for coal will undoubtedly change, it's not at all clear whether that will be enough to rescue coal from its decline, which is primarily driven by economics rather than regulations. Bankruptcy was able to change how much the companies spend paying back debt, but it doesn't do a whole lot more for the companies' profitability.

**Continued pressure from natural gas and renewables is almost a certainty.** Gas is still outcompeting coal, and renewables are displacing coal-fired power in some electricity markets just because they're cheaper to run. There haven't been new plans to build a coal plant anywhere in this country for years.

**Coal will continue to be deeper to dig up.** Geologically, western coal seams, are not flat, but dip slightly. Mining companies mine the shallowest coal first, and all coal after that costs more to mine, with slight variation based on diesel fuel prices. Rising operating costs are cutting margins razor thin.

**The Chinese government will look to domestic coal supply first, largely foreclosing U.S. exports.** The main thing controlling international coal prices right now is China's policy on domestic coal supply. Chinese domestic coal producers have been over-producing coal, which has hurt corporate incomes. These companies are burdened by heavy debt loads. China recently tried to bring down coal supply to bring up prices by limiting how many days a coal company can work per year. That did increase prices, but it also increased demand for imported coal, which also hurts Chinese domestic coal producers.

Just recently, the central government relaxed the workday limit to 11 months per year, which is expected to increase coal production, drop international prices, and take coal exports from Montana "out of the money." Montana mines Spring Creek and Decker have recently announced resumption of exports, but those are likely to be short-lived.

### **U.S. dollars are worth more than many other currencies.**

International coal prices are priced in dollars, but mining companies in other countries pay workers in local currencies. Foreign exchange rates give an advantage to coal exporters from other countries when the U.S. dollar is stronger.

### **U.S. exports are geographically disadvantaged.**

Rivals coal exporters in Australia, Indonesia, and Russia are much closer to South Korea, China, and Japan, which makes it cheaper to move coal than from the U.S.

For the first time ever, in 2016, the U.S. Energy Information Administration forecasted that the country's coal production will decline from the present over the long-term. Coal production won't vanish tomorrow, or even in 20 years, but it's on its way. This inevitability means that there are a whole host of questions that need to be asked about who will be hurt by this transition and what will they need to adjust; what are the long-term liabilities of the industry, and can those be taken care of with the industry's current capital; will coal mines be cleaned up, and will reclamation bonds set aside for that purpose be sufficient?

# Congressional Scorecard

## 114th Congress (2015-2016)

From the beginning, the 114th Congress focused much of its energy on opposing the Obama administration's initiatives and attempting to obstruct a long list of rulemakings and other actions. Many of these efforts targeted environmental initiatives, including standards to regulate hydraulic fracturing, coal ash disposal, carbon pollution, and the effects of coal mining on waterways. These efforts were largely unsuccessful, however.

Congress passed little substantive legislation, with many bills that passed the House either stalled or were blocked in the Senate. President Obama vetoed more bills this Congress than ever before in his presidency, a reflection of the partisan differences when one party controls Congress and the other party occupies the White House.

Most notably, Congress tried repeatedly and unsuccessfully to bypass Obama and force approval of the Keystone XL Pipeline. Obama foiled these efforts when he rejected the tar sands pipeline in November of 2015.

One of the few high profile successes for Congressional leaders was passage of "Fast Track" authority to ease passage of trade legislation. However, the trade agreement Fast Track was intended to help, the Trans-Pacific Partnership, was ultimately defeated when it became clear that there was not enough support to pass the implementing legislation – a victory for WORC. (See article on page 1.)

Another was passage of the bill to fund the federal government in 2016, which included provisions to repeal country-of-origin labeling for beef and pork as well as the 40-year-old ban on export of crude oil. A bright spot for WORC was the extension of tax credits for wind, solar and other renewable energy sources, although these credits will phase out over the next several years.

With both houses of Congress and the presidency under Republican control, we expect to see many of these issues come up again in 2017 as part of an effort to roll back Obama administration policies. If you don't receive action alerts from WORC, you can sign up at [www.worc.org](http://www.worc.org) to get more frequent updates.

## Senate

### **S1: Amendment 71 to S 1 - Expedited Permits for Federal Oil and Gas**

Sen. Lee (R-UT) offered an amendment to the Keystone XL bill that would require new, expedited procedures for issuing permits to drill for oil and gas on federal lands. This amendment failed 51-47, and needed 60 votes to pass (2015 Senate Roll Call Vote #17). A "+" is a no vote, in favor of WORC's position.

### **S2: Amendment 133 to S 1 - Wind Production Tax Credit**

Sen. Heitkamp (D-ND) offered an amendment to the Keystone XL bill which would support extending tax credits for facilities producing energy from renewable resources. This amendment failed 47-51 (2015 Senate Roll Call Vote #40). A "+" is a yes vote, in favor of WORC's position.

### **S3: Amendment 77 on S 1 - Renewable Energy Standard**

Sen. Udall (D-NM) offered an amendment to the Keystone XL bill which would establish a national Renewable Energy Standard, requiring 25% renewable energy by 2025. This amendment failed 45-53 (2015 Senate Roll Call Vote #44). A "+" is a yes vote, in favor of WORC's position.

### **S4: S 1 - Keystone XL Pipeline**

As one of the first votes of the new year, the Senate voted to approve the Keystone XL pipeline, which would transport tar sands oil from Canada through Montana and South Dakota down to the Gulf Coast for export. On January 29, this bill passed the Senate 62-36 (2015 Senate Roll Call Vote #49), but did not sustain the President's veto. A "+" is a no vote, in favor of WORC's position.

### **S5: Amendment 1327 to HR 1314 - Investor-State Dispute Settlements**

Sen. Warren (D-MA) introduced an amendment to Congressional budget which would have prevented use of "fast-track" procedures on deals that included Investor-State Dispute Settlements, which allow foreign companies to challenge U.S. laws for not complying with international trade agreements. This amendment was defeated 39-60 (2015 Senate Roll Call Vote #188). A "+" is a yes vote, in favor of WORC's position.

## Senate

		S1	S2	S3	S4	S5	S6	S7	S8	S9	S10	Score
CO	Bennet (D)	+	+	+	-	+	-	+	+	+	-	70%
	Gardner (R)	-	-	-	-	-	-	-	-	-	-	0%
ID	Crapo (R)	-	-	-	-	-	-	-	-	-	-	0%
	Risch (R)	-	-	-	-	-	-	-	-	-	-	0%
MT	Tester (D)	+	+	+	-	+	+	+	+	+	+	90%
	Daines (R)	-	-	-	-	-	-	-	-	-	-	0%
ND	Hoeven (R)	-	-	-	-	-	-	-	-	-	-	0%
	Heitkamp (D)	-	+	-	-	+	-	-	+	-	-	30%
OR	Wyden (D)	+	+	+	+	-	-	+	+	+	+	80%
	Merkley (D)	+	+	+	+	+	+	+	+	+	+	100%
SD	Thune (R)	-	-	-	-	-	-	-	-	-	-	0%
	Rounds (R)	-	-	-	-	-	-	-	-	-	-	0%
WY	Enzi (R)	-	-	-	-	NV	-	-	-	-	-	0%
	Barrasso (R)	-	-	-	-	-	-	-	-	-	-	0%

## House

		H1	H2	H3	H4	H5	H6	H7	H8	H9	H10	H11	H12	Score
CO	DeGette (D)	+	+	+	+	+	+	+	+	-	+	+	+	92%
	Polis (D)	+	+	+	+	+	+	+	+	+	+	+	+	100%
	Tipton (R)	-	-	-	-	-	-	-	-	-	-	-	+	8%
	Buck (R)	-	-	-	-	-	-	-	-	-	-	-	+	8%
	Lamborn (R)	-	-	-	-	-	-	-	-	-	-	-	-	0%
	Coffman (R)	-	-	-	-	-	-	-	+	-	-	-	+	17%
	Perlmutter (D)	+	-	+	+	-	+	+	+	+	+	+	+	83%
ID	Labrador (R)	-	-	-	-	-	-	-	-	-	-	-	-	0%
	Simpson (R)	-	-	-	-	-	-	-	-	-	-	-	-	0%
MT	Zinke (R)	-	-	-	-	NV	-	-	-	-	-	-	-	0%
ND	Cramer (R)	-	-	-	-	-	-	-	-	-	-	-	-	0%
OR	Bonamici (D)	+	+	+	+	+	+	+	+	+	+	+	+	100%
	Walden (R)	-	-	-	-	-	-	-	-	-	-	-	-	0%
	Blumenauer (D)	+	+	+	+	+	+	+	+	+	+	+	+	100%
	DeFazio (D)	+	+	+	+	+	+	+	+	+	+	+	+	100%
	Schrader (D)	-	-	-	+	-	+	+	+	+	-	-	-	42%
SD	Noem (R)	-	+	-	-	-	-	-	-	-	-	-	-	8%
WY	Lummis (R)	-	-	+	-	-	-	-	+	-	-	-	-	17%

## **S6: HR 2146 - Fast Track Trade Authority**

Trade Promotion Authority, or “Fast Track” legislation, gives the president the power to submit a trade deal to Congress for an up-or-down vote without amendments. This bill was specifically targeted to ease passage of the Trans-Pacific Partnership (TPP), a massive trade deal between the United States and 11 other countries. In the end, the bill passed 60-38 (2015 Senate Roll Call Vote #219), and this bill became law, but the TPP was not submitted to Congress and is dead. A “+” is a no vote, in favor of WORC’s position.

## **S7: SJ Res 23 and 24 - Clean Power Plan**

Sens. McConnell (R-KY) and Capito (R-WV) introduced resolutions of disapproval that would permanently block the EPA’s Clean Power Plan, which would limit carbon pollution from coal-fired power plants. If passed, these resolutions would have undone all of the benefits of the Clean Power Plan and barred EPA from issuing any standards in the future that are substantially similar. Both of these resolutions passed with identical votes of 52-46 (2015 Senate Roll Call Votes #307 and #306), but were vetoed by President Obama. A “+” is a no vote, in favor of WORC’s position.

## **S8: SJ Res 22 - Waters of the United States**

Sen. Ernst (R-IA) introduced a resolution of disapproval to nullify the “waters of the U.S.” rule written by the Environmental Protection Agency and the U.S. Army Corps of Engineers. The resolution passed the Senate on a vote of 53-44 (2015 Senate Roll Call Vote #297), but was vetoed by President Obama. A “+” is a no vote, in support of WORC’s position.

## **S9: Amendment 3030 to S 2012 - Oil & Gas Pipeline Streamlining**

Sen. Barrasso (R-WY) introduced an amendment to the bipartisan Energy bill to streamline the permitting process for natural gas gathering pipelines on Federal and Indian land by imposing strict deadlines on environmental reviews and requiring federal agencies to waive environmental reviews in most circumstances. The amendment needed 60 votes to pass, and failed on a vote of 52-43 (2016 Senate Roll Call Vote #12). A “+” is a no vote, in favor of WORC’s position.

## **S10: Amendment 4935 to S 764 - GE Food Labeling, or the DARK Act**

Sen. Roberts (R-KS) attached this bill, officially titled the Safe and Accurate Food Labeling Act, to an unrelated piece of legislation. The bill would make genetically-engineered food (GE) labels voluntary and block state efforts to require GE labeling. Consumer advocates refer to this bill as the Denying Americans the Right to Know, or DARK Act. The Senate approved the amendment on a vote of 63-30 (2016 House Roll Call Vote #123). The House concurred, and President Obama signed the DARK Act into law on July 29, 2016.. A “+” is a no vote, in support of WORC’s position.

# House

## **H1: HR 3 - Keystone XL Pipeline**

As one of its first votes of 2015, the House of Representatives approved the Keystone XL pipeline, which would transport tar sands oil from Canada through Montana and South Dakota down to the Gulf Coast for export. On February 11, 2015, the House concurred with a Senate version of the Keystone bill with a vote of 270-152 (2015 House Roll Call Vote #75). The Senate was

unable to overcome President Obama’s veto, and the pipeline was ultimately rejected. A “+” is a no vote, and consistent with WORC’s position.

## **H2: HR 2393 - Country-of-Origin Labeling**

HR 2393 attempted to repeal country-of-origin labeling (COOL) for beef, pork, and chicken after the World Trade Organization rejected a U.S. appeal of its decision that COOL unfairly discriminates against meat imports and gives the advantage to domestic meat production. On June 10, 2015, the House voted to pass HR 2393, 300-131 (2015 House Roll Call Vote #333). Although the Senate did not pass HR 2393, a provision to repeal COOL was included in the fiscal year 2016 government funding bill, HR 2029, which was signed into law. A “+” is a no vote, in support of WORC’s position.

## **H3: HR 2146 - Fast Track Trade Authority**

Trade Promotion Authority, or “Fast Track” legislation, gives the president the power to submit a trade deal to Congress for an up-or-down vote without amendments. The bill was intended to ease passage of the Trans-Pacific Partnership (TPP), a massive trade deal between the United States and 11 other countries. On June 12, 2015 the House narrowly voted to pass Fast Track, 218-208 (2015 House Roll Call Vote #374). With Senate passage earlier in the month, this bill became law. However, the TPP was not submitted to Congress due of lack of support, and the agreement is dead. A “+” is a no vote, in support of WORC’s position.

## **H4: HR 2822, Amendment 13 - BLM Fracking Rules**

Rep. Lawrence (D-MI) introduced an amendment to the Department of Interior Appropriations Act that would have removed a provision that would

have blocked the Bureau of Land Management from implementing its new hydraulic fracturing rules. WORC supported this amendment. The House voted against passage of this amendment 179-250. (2015 House Roll Call Vote #402). The Senate did not pass HR 2822, however, and the rules were finalized. A “+” is a yes vote, in support of WORC’s position.

#### **H5: HR 1734 - EPA Coal Ash Rules**

H.R. 1734 would have weakened, delayed and removed critical safety protections from the first-ever rule governing disposal of coal ash as proposed by the EPA. Despite a veto threat, the House passed this bill 258-166 (2015 House Roll Call Vote # 458), but it was not voted on by the Senate and did not pass into law, and the rules were finalized. A “+” is a no vote, in support of WORC’s position.

#### **H6: HR 427 - Regulations from the Executive in Need of Scrutiny (REINS) Act**

This bill would give Congress new authority over rules regarding health and safety, financial reform, worker protections, and the environment. It would require both houses of Congress to pass a joint resolution of approval for every major rule. WORC opposed this legislation, and it passed 243-165 (2015 House Roll Call Vote #482), but was not voted on by the Senate and did not pass into law. A “+” is a no vote, in support of WORC’s position.

#### **H7: SJ Res 24 (House votes) - Clean Power Plan**

This vote would have permanently blocked a part of the Clean Power Plan put forth by the EPA that would limit carbon pollution from existing coal-fired power plants. WORC opposed this resolution, but it passed in the House 242-180 (2015 House Roll Call Vote #650). SJR 24 also passed the Senate, but was vetoed by President Obama. A “+” is a no vote, consistent with WORC’s position.

#### **H8: HR 8, amendment 24 - Oil and Gas Split Estate Landowner Notification**

Brought forth by Rep. Polis (D-CO), this amendment would require the Secretary of the Interior to notify landowners and adjacent landholders when federally-owned minerals beneath their land have been leased for oil and gas development. WORC supported this amendment, but it narrowly lost with a 206-216 vote (2015 House Roll Call Vote #663). A “+” is a yes vote, in favor of WORC’s position.

#### **H9: HR 1644 - The STREAM Act - Prohibit publication of the Stream Protection Rule**

Rep. Mooney (R-WV) introduced the STREAM Act in anticipation of the Office of Surface Mining Reclamation and Enforcement’s long-awaited Stream Protection Rule, which clarifies requirements for protecting freshwater in surface or longwall mining operations. The STREAM Act would have prohibited any regulation under the Surface Mining Control and Reclamation Act from interpreting or implementing other laws (such as Clean Water Act, Endangered Species, etc). The bill passed the House January 12, 2016, on a vote of 235-188 (House Roll Call Vote #42), but was not voted on in the Senate. A “+” is a no vote, in favor of WORC’s position.

#### **H10: SJ Res 22 (House Votes) - Waters of the U.S.**

On January 13, 2016, the House voted on Sen. Ernst’s (R-IA) resolution of disapproval to nullify the “waters of the U.S.” rule written by the Environmental Protection Agency and the U.S. Army Corps of Engineers. The resolution passed the House on a vote of 253-166 (2015 House Roll Call Vote # 45), but was eventually vetoed by President Obama. A “+” is a no vote, in support of WORC’s position.

#### **H11: Amendment 1154 to HR 4775 - The BREATHE Act**

Rep. Polis (D-CO) introduced an amendment to close a loophole that exempts emissions from oil and gas exploration and production wells from being aggregated, and thus subject to regulation under the Clean Air Act. The amendment also sought to require EPA to issue a rule adding hydrogen sulfide to the list of hazardous pollutants. The amendment failed on a vote of 160-251 (2016 House Roll Call Vote #279).

#### **H12: Amendment 4935 to S 764 - GE Food Labeling, The DARK Act**

This bill, officially titled the Safe and Accurate Food Labeling Act, was called the DARK Act (“Denying Americans the Right to Know”) by consumer advocates. The bill would make genetically-engineered food (GE) labels voluntary and block state efforts to require GE labeling. The House had previously passed the DARK Act in 2015 on a vote of 275-150 (2015 House Roll Call Vote #462), but the bill was never voted on in the Senate. In 2016, though, Sen. Roberts (R-KS) successfully attached the DARK Act to S. 764, and the House passed the amended bill on July 14 on a vote of 306-117 (2016 House Roll Call Vote # 466). The bill was signed into law by President Obama on July 29, 2016. A “+” is a no vote, in support of WORC’s position.

*continued from page 6*

The flare volume limits are similar to the rules enforced in Wyoming. Wyoming has a flat limit of 60 mcf/day. By the end of the implementation, the rule would be an improvement upon the Wyoming rules, though BLM would allow companies to flare more than the Wyoming limit until 2021.

Montana lets companies flare up to 100 mcf/per day (though exemptions are allowed), so the BLM rules would not surpass the Montana standards until 2020.

North Dakota does not have volume based standards, so the new standards would improve upon North Dakota's rules.

The BLM gives companies flexibility to average flare volumes across an entire county or state. This is similar to the North Dakota flaring rules. This is problematic because it lets companies capture all of their gas at several wells, while allowing other wells to flare in perpetuity, if they meet the volume and percentage goals through averaging. Though the new flaring requirements have limitations and problems, they are an improvement over the draft rules. The final BLM methane rules do improve upon some existing state rules when flaring volume and percent goals ratchet up over time.

### **Leak Detection**

The final rules provide clarity on what defines a leak and sets guidelines for leak inspection. Leaks are defined as methane gas leaking from equipment designed to vent and from releases due to operator error, equipment malfunctions, or equipment that does not meet the level of control required by the rules.

BLM requires leak detection to be completed two times per year for oil and gas wells and associated infrastructure. The rule also requires that inspections

occur four times per year for compressor stations. This is similar to provisions in the Colorado rules.

### **What equipment can companies use to detect leaks?**

Companies can use FLIR cameras or other optical cameras to detect leaks. Companies can obtain a variance if they can prove another technology is also effective at detecting leaks.

### **How long do companies have to complete repairs?**

30 days after detection.

### **How can companies determine repairs are complete?**

Soap bubble test, FLIR (optical imaging), and portable analyzers using Method 21.

It is also noteworthy that the final rules do not exempt low producing wells from leak monitoring, one of industry's priorities.

## **PRINCIPLES OF COMMUNITY ORGANIZING WORKSHOP**

**July 19-22, 2017 - Billings, Montana**

**Sign up at [www.worc.org](http://www.worc.org)**

**Travel and lodging scholarships are available to qualified members**



# Celebrating New Methane Standards



“For landowners like me that live near oil and gas wells, BLM’s [Bureau of Land Management] final rule to cut flaring of natural gas is like a giant breath of fresh air. When oil and gas producers cut the release of methane that is unnecessarily wasted on public lands, they cut the harmful air pollution that impacts people like me and the productivity of my land. And the wasted taxpayer resources can now be put into our infrastructure, schools, and communities, serving the public good of all North Dakotans.”

—Donny Nelson, Keene, N.D.



“For too long oil and gas companies have released methane on our tribal lands without paying their fair share and wasting valuable resources that could be going to supporting our infrastructure, land and education. But thanks to BLM’s recently announced rule, that all changes. This rule will keep more of our tribal resources in the pipe and out of the air to the benefit of our community.”

—Lisa DeVille, Mandaree, N.D.

# Living with Oil and Gas



“Nobody from our government is truly holding industry responsible for the losses to our property from oil and saltwater spills. Here is an analogy that I give people to understand our situation: You get pulled over by Highway Patrol and you are told you were going too fast, and the Highway Patrol tells you to slow down and lets you go. That is how our government deals with oil and gas companies that spill oil and saltwater on farmers land.”

—Christine Peterson, Antler, N.D.



“Are you familiar with the old saying ‘a country is always prepared for the last war?’ Like, everybody went into WWII really well prepared for the strategy and tactics and weaponry of WWI. But everything had changed, all the technology had changed. The kind of oil boom that I was familiar with was an oil boom of vertical bore wells spaced every 160 acres and most of them few and far between because they were going for particular salt domes or coral reefs. So I was thinking along those terms.

“I had no idea that fracking and directional drilling had changed all that. So I signed a bunch of oil leases without dreaming they would cause the impacts that they cause. Without dreaming that there’d be a 97 percent success rate that would cause something like 8,000 wells to be drilled in Eastern Montana and Western North Dakota. I was operating out of information that was 30 years old and the new technology blindsided me.”

—Pat Wilson, Bainville, Mont.

# WORC

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## PUBLICATIONS

**GROWING THE 16%** Addresses the problem of beef market concentration and its impact on independent livestock producers, local meatpacking infrastructure and rural communities.

**NO TIME TO WASTE** Examines standards and disposal practices around radioactive oil and gas waste in Colorado, Idaho, Montana, North Dakota, South Dakota, and Wyoming

**UNDERMINED PROMISE II** Examines coal production in the West and find that mining companies and regulatory agencies are falling short on keeping promises made in the Surface Mining Control and Reclamation Act

**FLARING BOOM** Explains the underlying causes and the problems caused by flaring and venting methane from oil and gas fields in six western states

**HEAVY TRAFFIC STILL AHEAD: RAIL IMPACTS OF POWDER RIVER BASIN COAL TO ASIA BY WAY OF PACIFIC NORTHWEST TERMINALS** Identifies costs for infrastructure due to increased rail traffic, many of which will fall on taxpayers

**WATERED DOWN: OIL AND GAS WASTE PRODUCTION AND OVERSIGHT IN THE WEST** Examines dangers to water quality from oil and gas production in Colorado, Montana, North Dakota, and Wyoming

**GONE FOR GOOD: FRACKING AND WATER LOSS IN THE WEST** Finds that oil and gas extraction is removing at least 7 billion tons of water from the hydrologic cycle each year in four Western states

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## 2017 EVENTS

PRINCIPLES OF COMMUNITY ORGANIZING  
*Grand Junction, Colorado* ..... February 15-18

WORC BOARD AND STAFF SUMMER MEETING  
*Sioux Falls, South Dakota* ..... June 13-14

PRINCIPLES OF COMMUNITY ORGANIZING  
*Billings, Montana* ..... July 19-22

POWDER RIVER BASIN RES. COUNCIL ANNUAL MEETING  
*Sheridan, Wyoming* ..... November 4

NORTHERN PLAINS RESOURCE COUNCIL ANNUAL MEETING  
*Billings, Montana* ..... November 10-11

IDAHO ORG. OF RESOURCE COUNCILS ANNUAL MEETING  
*Boise, Idaho* ..... November 11

WORC BOARD AND STAFF WINTER MEETING  
*Billings, Montana* ..... December 1-2