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Western states struggle with oil and gas radioactive waste

State governments across the West fail to protect citizens and the environment from a tide of the oil and gas industry's byproduct, radioactive waste, according to a report released by WORC November 19.

The report, *No Time to Waste*, finds the storage, transport, and disposal of radioactive oil and gas field waste in the West are vastly under-regulated. Oil and gas industry wastes are exempt from the federal regulation, despite the admission by the Environmental Protection Agency (EPA) in a 1987 report to Congress that "oil and gas wastes contain various hazardous constituents." As a result, states regulate radioactive oil and gas field wastes through a patchwork of rules and policy guidelines.

"Oil and gas companies essentially handle and dispose of radioactive waste at their own discretion," said Bob LeResche, then-WORC Chair from Clearmont, Wyoming. "Some have resorted to the cheapest option, illegally dumping it."



Filter socks collect and condense sludge and pipe scale, hard and insoluble deposits, resulting in a highly concentrated radioactivity level. Filter socks have been illegally dumped in the North Dakota communities of Watford City, Noonan, Crosby, and the Fort Berthold Indian Reservation. Photo courtesy of BruceFarnsworth.com

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No Time to Waste reviews regulation of radioactive oil and gas field wastes in six states: Colorado, Idaho, Montana, North Dakota, South Dakota, and Wyoming. It finds that state regulatory frameworks remain sparse, where they exist at all.

Colorado, Wyoming, and Montana lack formal regulations around the waste stream. Of these three states, only Montana has begun to address radioactive oil and gas waste.

South Dakota has a radioactivity limit for solid waste disposal, but no other oil and gas field waste-specific regulations, while Idaho has a handful of regulations, but no statewide disposal limit.

"Radioactive Waste" continued on page 14

The View from WORC

By Nancy Hartenhoff-Crooks, WORC Chair

As the new Chair of WORC, I would like to introduce myself to you.

I first learned of Dakota Rural Action (DRA) on a date with my now ex-husband, John Bixler, over 20 years ago. He had recently started working for DRA and we went to an Earth Day celebration at Charlie Johnson's organic farm.

It was the first time I discovered that there were other people in South Dakota who shared some of the same values and views I had about protecting the earth and doing agriculture in a more sustainable way. It was an amazing experience. I was hooked. The relationship with John was not sustained, but my belief in the work we do in DRA and WORC has.

I now live in Toronto, South Dakota, with my husband, Dana. We live on a small acreage where I enjoy gardening, and he puts his painting and carpentry skills to good use maintaining our home, which was built in 1897. I am the Coordinator of Disability Services at South Dakota State University.

My fellow officers are Rein van West and Charles Sangmeister.

Rein is the new Vice-Chair. A former director of the Colorado Outdoor Education Center and teacher, he has been the President of the Western Colorado Congress since October 2012. He lives in Ridgway, Colorado.

Charles is stepping in as Secretary/Treasurer. A Northern Plains member, he is active on both a task force and an oversight committee for the Good Neighbor Agreement, the only legally binding contract between a community-based group and mine in the country.

On behalf of the Board, I want to thank Bob LeResche for his service of the last year as WORC's Chair. WORC benefited from his knowledge, experience, and engagement in the issue campaigns throughout his term. Bob remains on the WORC Board and is serving a second stint as the Chair of the Powder River Basin Resource Council.

In other news, the WORC Board adopted a policy to acquire local and sustainably raised, seasonal, healthy and nutritious food whenever possible for all WORC events and meetings. We also reviewed and adopted a 2016-2020 Strategic Plan and 2016 operating plans for issue campaigns and programs.

And take a look at WORC's new website at www.worc.org.



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 12,270 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*

WORC'S BOARD OF DIRECTORS

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Positive reception for WORC members in D.C.

A troupe of WORC members and staff presented their demands to reform coal leasing, mining, and reclamation to federal decisionmakers in Washington, D.C., November 18-19.

“Coal mining companies have been able to win federal coal leases for only pennies per ton while dragging their feet on mine clean-up,” said Bob LeResche, then Chair of WORC and fly-in participant. “It’s a broken system to shortchange local and state government treasuries while making farmers and ranchers wait years or decades to put mined land back into productive agricultural use.”

A report released by WORC and partners last year found that final reclamation at Western strip mines is lagging dangerously, and that reclamation bonds may outstrip the industry’s financial resources.

Out of a total of 450 square miles of mined land across Wyoming, Montana and North Dakota, only 46 square miles have been fully reclaimed, spurring concerns that taxpayers will be stuck with a clean-up bill of roughly \$2 billion and that Western landscapes, agricultural lands, water and wildlife will be permanently damaged. (Read the *Undermined Promise II* report and fact-sheets at www.underminedpromise.org.)

While in Washington, members advocated for full clean-up of sprawling coal strip mines in the Powder River Basin and adequate reclamation bonding to cover clean-up costs. Another concern was the leasing policy that governs the billions of tons of federally-owned coal in the West. Since the early 1980s, coal companies have been able to lease tracts of Western coal to mine at a price they can easily pay, shortchanging taxpayers out of billions of dollars by paying only pennies per ton.



Coal mining companies have also undervalued mined coal to lower royalty payments, especially on coal bound for export. This practice is the target of a proposed rule from the Department of Interior. In light of these violations of public trust and fiduciary responsibility, the WORC team advocated for a sensible leasing policy that guarantees a fair return on publicly-owned resources.

Unlike some previous meetings in Washington, participants reported a warm and attentive reception from federal agencies and Congressional offices. However, actions speak louder than words, and WORC members and staff will keep the pressure on.

PRINCIPLES OF COMMUNITY ORGANIZING WORKSHOP

July 20-23, 2016 - Billings, Montana

Sign up at www.worc.org

Travel and lodging scholarships are available to qualified members

Around the Region

A look around WORC's network

Dakota Resource Council

Analysis by Dakota Resource Council (DRC) and the American Council for an Energy-Efficient Economy (ACEEE) found that North Dakota could meet a significant portion of its Clean Power Plan (CPP) target through energy efficiency measures. “By implementing policies that promote CHP [combined heat and power], strict building-code standards, appliance standards, and a 1% state-level efficiency target, the state could meet over 25% of its CPP target,” the groups wrote in comments submitted to the North Dakota Department of Health.



DRC urged the department to develop a plan to include wind energy and assist coal-dependent communities in “spurring economic diversification, job creation, job training, and other employment services for communities impacted by closing of coal-fired power plants likely to eventually occur under this rule.”

CPP set standards for power plants and goals for states to reduce carbon pollution.

Dakota Rural Action

With the rise of large dairy operations in South Dakota, the Deuel County Chapter of Dakota Rural Action is



working for an alternate farming system that strengthens rural communities, brings local economic benefits to farm families, and establishes a lasting agriculture system for future generations. To do so, an Organic Dairy Roundtable was held Jan. 16 in Clear Lake to provide family farmers and decisions makers information on growing an organic dairy sector and building community in eastern South Dakota. The event enabled participants to learn first hand what's involved in transitioning into organic dairy and the benefits and future of organic milk.

Idaho Organization of Resource Councils

Keynote speaker Richard Manning told members of the Idaho Organization of Resource Councils at the second annual Membership Banquet Nov. 14 that human activity, especially industrial agriculture and energy

exploration, has threatened the environment and clean water.

An author and reporter, Manning has written extensively about rivers in the West. Last year, Manning exposed the impacts of industrial agriculture on the Snake River in Idaho in a High Country News story. Manning said that farm runoff, especially fertilizers, has made the Snake River “Idaho’s Sewer System.”

IORC members passed a resolution to “Put Water First” to protect groundwater and surface water and a resolution supporting family farmers and local foods.

Idaho Organization of Resource Councils

Members elected Julia Page as Chair, Josie Erskine as Vice-Chair, Chad Brock as Treasurer, Eileen Stachowski as Secretary, and Christina Stucker-Gass and Liz Amason as at-large Board members.

Northern Plains Resource Council

On December 11, Northern Plains Resource Council and Rocker Six Cattle Company made a formal filing with the Surface Transportation Board opposing the Tongue River Railroad Company’s request to indefinitely suspend its application to construct the Tongue River Railroad (TRR). They argued that the Board should instead deny the permit application.

If permitted, the TRR would condemn up to 90 miles of working family farm and rangeland in southeastern Montana to build a rail line to ship coal from the proposed Otter Creek coal mine to proposed Pacific Northwest coal export facilities.

Landowners are concerned that freezing the permitting process dangles the threat of eminent domain over their properties for potentially untold years to come. “My family and our neighbors have been facing federal condemnation of our private land for this speculative



project for 38 years,” said Clint McRae, whose Rocker Six Cattle Company ranch would be crossed by up to 9 miles of the proposed railroad, “It is time to deny the railroad permit. They have had ample time to prove a need for the railroad and they have failed.”

Oregon Rural Action

An effort by Oregon Rural Action (ORA) to educate local residents about oil train safety drew praise from the local newspaper. ORA member Norm Cimon told the crowd at the “Oil Transport Safety in La Grande” presentation on Nov. 4 that an oil train accident could spark a fire and explosions, endangering people and property within a mile of the mishap. The presentation sought to increase awareness of the risks oil trains pose and encourage people to address the issue. Two days later, The Observer editorial wrote, “Oregon Rural Action did the community a service by providing a viable platform to distribute information about this situation.”



Powder River Basin Resource Council

Over 100 Powder River Basin Resource Council members attended the annual membership meeting on October 31 to hear prominent Sheridan attorney Tom Toner deliver his afternoon keynote address, “Protecting Land and Mineral Owners in the Oil and Gas Bust.”

As coalbed methane, gas extracted from layers of coal seams, development reached the end of its economic life, a rash of well capitalized companies began selling their wells to what Toner calls “vulture companies.”



“Vulture companies pick the bones of the industry,” Toner explained, “They stop paying royalties and abandon the wells, leaving the landowners to deal with the problem.”

The coalbed methane bust left about 1,200 of orphaned or abandoned gas wells on the landscape, and the cost of plugging and reclaiming these wells could reach as high as \$31 million.

— Megan Taylor, Powder River staff

Western Colorado Congress

Six years after a drilling company announced plans to develop oil and gas within the community of Battlement Mesa, the Garfield County Commissioners voted unanimously in December to approve drilling within the boundaries of the community. Ursa Operating Company

wants to drill 53 natural gas wells on two pads and build pipeline in the southwest section of the community. The decision was made after three days of public testimony and more than 10 hours of public testimony. Battlement Concerned Citizens and Grand Valley Citizen’s Alliance, a local community group with the Western Colorado Congress, led the charge, turning out over 150 residents to the first hearing held in the community.

Although disappointed by the decision, BCC and GVCA members are proud of the 27 conditions of approval attached to the application. This list of conditions is precedent setting in Colorado; it includes air quality monitoring, noise mitigation and timing limitations. The proposal now proceeds to the Colorado Oil and Gas Conservation Commission for state permits.



Western Native Voice

Efforts by Western Native Voice helped to secure satellite voting offices on Montana Indian reservations. In mid-October, Montana Secretary of State Linda McCulloch directed counties with American Indian reservations to work with tribal governments to set up satellite election offices to increase access to voting and registration, if required under the Federal Voting Rights Act, and upon the request of the tribal government.

“The directive is a good step towards opening up registration and voting in Indian Country,” said Carol Juneau, Chair of Western Native Voice. “It fits with our goal to get these offices up and running on all reservations and isolated rural communities for the 2016 election, including visible and accessible office locations, trained and paid staff, infrastructure for equipment and internet and proper oversight and accountability.”

WNV has worked since 2014 with the Secretary of State and county and tribal governments to obtain equitable services for all rural Native voters. During the 2014 election season, WNV deployed a robust voter education and Get-Out-the-Vote campaign to complement the satellite voting stations in Glacier and Big Horn counties.



Treaty would trump U.S. laws and policies

The Trans-Pacific Partnership (TPP) is a controversial trade pact spanning 12 nations. It would be the largest regional trade accord in history, accounting for 40% of the global economy and totaling nearly \$28 trillion. WORC opposes the trade pact. TPP would:

- Offshore good-paying American jobs, lower wages for the remaining jobs, and increase income inequality by forcing U.S. employers to compete with companies exploiting labor in countries such as Vietnam, where workers earn less than 65 cents an hour, and Malaysia, where about one-third of workers in the export-oriented electronics industry are victims of human trafficking.
- Protect investors by reducing risks and costs of relocating production to low-wage countries.
- Fail to protect human rights.
- Waive “Buy American” and “Buy Local” preferences in many government purchases.
- Undermine environmental protections
- Delay introduction of low-cost generic medications, increase health-care costs, and reduce access to medicine both at home and abroad.
- Allow food imports if the exporting country’s safety standards are “equivalent” to U.S. standards.
- Open higher U.S. food safety standards on pesticides, labeling, and additives to challenges as illegal trade barriers.
- Grant foreign firms greater rights than domestic firms enjoy under U.S. law.

In addition to the United States, the countries involved are Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam.

Under Fast Track’s rules, President Obama can sign TPP as early as February 4. In the final step for the U.S. to enter the agreement, however, Congress must still vote within 90 days to approve implementing legislation submitted to it by the White House. The implementing legislation could be submitted to Congress as early as April or May, paving the way for summer votes in Congress. However, Senate Majority Leader, Mitch McConnell, has already signaled that it is unlikely Congress would vote to pass the TPP in the months just before election day, leading many to predict that the White House may wait to submit legislation just in time for a vote in a lame duck Congress after the election.

WORC urges action on mining and drilling sites

WORC’s DC Office Director Sara Kendall testified Nov. 4 on legislation addressing abandoned mines and oil and gas well sites.

She told the House Committee on Natural Resources Subcommittee on Energy and Mineral Resources that federal agencies could fix failed reclamation and bonding policies by ensuring the following:

- Hard rock, coal, and oil and gas operators must reclaim sites as soon as possible;
- Reclamation bonds are adequate to clean up all sites to prevent catastrophic threats; and
- Availability of sufficient funds for third parties to step in and remediate and reclaim sites in the event that bonds are insufficient.

“We hope this legislation and this hearing are just the first actions by the Committee to address these urgent problems,” she said.

WORC’s testimony recommended:

- Instituting hard rock and oil and gas reclamation fees similar to the fee paid by the coal industry.
- Updating bonding rules and setting bonds for all federal mines and well sites at the estimated cost of reclamation
- Changing the definition of “idle well” from a “well that has been shut in or temporarily abandoned for seven years or longer” to a “well that has been shut in or temporarily abandoned for 12 months or longer.”

Members act to lower methane air pollution

WORC's campaign to curb oil and gas air pollution is gaining momentum. Nine WORC members traveled to Washington, D.C., in November to round up support for standards to lower methane pollution by the industry. They met with members of Congress and an official with the Environmental Protection Agency and participated in a briefing panel with the Office of Management and Budget, which prepares the federal budget and evaluates the programs, policies, and procedures of federal agencies.

In comments submitted to the EPA in early December, WORC urged the agency to broaden its proposed standards to cut oil and gas air pollution from existing sources. EPA's draft only covers new and modified sources of air pollution. WORC also encouraged the EPA to require oil and gas companies to use the best available control technologies to prevent methane emissions. Dakota Resource Council, Northern Plains Resource Council, and Western Colorado Congress signed onto WORC's comments.

At the time of writing this article, the U.S. Bureau of Land Management is expected to release draft standards to prevent flaring and venting of methane at oil and gas operations on federal and tribal lands. The main focus of the BLM rule will be to prevent waste of methane. Wasted methane represents a loss of potential federal revenues because it is a resource that, if captured, could



A grassroots team went to DC to work on cutting air pollution from oil and gas facilities Pat and Laurie Wilson, Kristi Mogen, Nicole Donaghy, Walter and Lisa DeVille, Kylee Mogen, Marilyn Ham and Erica Lighthiser.

provide revenues to local, state, and federal governments by way of royalties collected on captured methane.

WORC expects to issue a press statement regarding the rule when it is released and plans to work to ensure the standard is as strong as possible.

Organizers hone in on oil trains

In November, staff members Scott Skokos, WORC, Megan Taylor, Powder River Basin Resource Council, and Austin Saunders, Oregon Rural Action, attended Oil Train Response 2015. The conference brought together groups and individuals working on oil by rail issues.

Scott, Megan, and Austin participated in sessions related to community organizing around oil by rail and seminars regarding the laws surrounding oil by rail, and attended a panel discussion involving locally elected officials, railroad workers, and emergency responders.

The conference provided networking opportunities and ideas for the trio to bring back to their groups to bolster oil by rail campaigns in 2016.

Career Opportunities in the WORC Network

Dakota Rural Action

- Western South Dakota Organizer, Rapid City, S.D.

Dakota Resource Council

- Clean Energy Field Organizer, Bismarck, N.D.
- Agriculture Field Organizer, Bismarck, N.D.
- Communications Coordinator, Bismarck, N.D.
- Office Manager, Bismarck, N.D.

For more information visit www.worc.org/who-we-are/career-opportunities

Rancher deals with radioactive oil and gas waste

Seth Newton, a Glendive, Montana rancher, lives just downstream of Montana's first oilfield waste facility, Oaks Disposal. He knows firsthand how lax state standards fail to protect citizens and the environment from the associated risks of radioactivity in oilfield waste.

"Oaks is full of alarming shortcomings," he said.

The facility was sited just a half mile from Deer Creek—the stream that Seth uses to irrigate his ranch—and was designed to weather a 25-year storm event.

"Any larger storm," he said, "could cause radioactive waste to leach into the creek."

Seth's family has ranched on the same plot of land for decades. He's baffled by the fact that the Montana Department of Environmental Quality (DEQ), the agency that permits waste facilities in the state, would allow that legacy to be jeopardized.

In 1978, his family weathered a historic flood in the exact place where Oaks is located, and Seth worries daily about the possibility of another such flood taking place. If that were to happen, he says, it "would wash the facility out," and send radioactive waste straight into Deer Creek. "Then my operation's just done."

A potential flood event isn't Seth's only concern. He sees truck traffic moving in and out of the facility daily, and regularly observes waste spills from over the tops of those trucks, as they take rural roads too quickly and aggressively. Once, as Seth drove past a truck, some waste splashed straight onto the windshield of his pickup.

Seth has been a fierce advocate on this issue, working to bring what's happening to his community in Glendive to the attention of local officials, DEQ regulators, state legislators, and anyone he can find.

"I'm just amazed at how the politicians up there don't think that clean water is a priority," he said. "I just don't understand it. My family's livelihood depends on this stream, these aquifers, and the health of this land, and the poorly managed siting, design, and construction of this facility puts all that at risk."

Seth is just one of many Westerners facing the impacts of radioactive oil and gas waste. The report calls for both federal rules on this waste stream and stronger state standards to prevent people like Seth and his family from being put at risk.



Seth Newman collects waste samples spilled from truck en route to the Oaks Disposal facility near Glendive, Montana. Some samples exceed the radioactivity limit.

New project looks at *Living with Oil & Gas*

Farmers, ranchers, landowners, and other residents across the West live daily with the consequences of oil and gas development. However, their stories often go untold. WORC is telling those stories, through a new social media project called "Living with Oil and Gas."

The project seeks to remind regulators, decision-makers, and politicians that their decisions have real consequences for real people. "Living with Oil and Gas" will involve interviews with members and leaders in four states—Colorado, Montana, North Dakota, and Wyoming.

Sharing the personal stories of our members and leaders, in a format that is emotionally affecting and visually engaging, will enable us to help shape the narrative around oil and gas development, pressure regulators to create effective standards, and win hearts and minds to effect real change.

2015 Congressional Scorecard

From opposing the President Barack Obama's environmental policies to passing trade legislation to rolling back country-of-origin labeling on meat, this Congress has left no WORC issue untouched.

From the beginning, the 114th Congress focused much of its energy on opposing the Administration's initiatives and attempting to obstruct a long list of rulemakings and other actions. Many of these efforts targeted environmental initiatives, including rules to regulate hydraulic fracturing, coal ash disposal, and carbon pollution, as well as those that would clarify the scope of



waterways protected under the Clean Water Act and protect streams from the effects of coal mining. These efforts were largely unsuccessful, however.

Most notably, Congress's repeated efforts to bypass President Obama and force approval of the Keystone XL Pipeline were foiled when the President rejected the pipeline in November. (See article on page 13.) Among the very first votes, despite a veto threat, was the Keystone XL Pipeline Approval Act.

In 2015, Congress passed little substantive legislation. The House took more votes than the Senate, with the Senate either stopping or simply not voting on some key legislation. 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.

Several bills that did pass were opposed by WORC. One of the few high profile successes for Congressional leaders was passage of "Fast Track" authority to ease passage of trade legislation. (See article on page 6.) 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 (see article on page #) as well as the 40-year-old ban on export of crude oil. One of the few legislative bright spots for WORC was an extension of important tax credits for wind, solar and other renewable energy sources in a year-end tax package.

2016 is a big election year with the presidency, 34 out of 100 Senate seats up for election and all 435 members of the House of Representatives up for election. This election year is expected to bring more of the same on the legislative front: Congressional gridlock is expected to continue, as well efforts to block environmental rules. There are just a few must-pass bills, including the annual government funding bill, which must be passed by September 30 (or the current budget extended). These bills will once again become major vehicles for other, unrelated provisions.

The President will also send Congress legislation to implement the Trans-Pacific Partnership (see article on page 6), which he signed this fall. This will prompt mandatory House and Senate votes on the legislation, which cannot be amended or blocked under normal Congressional rules. A post-election lame duck session of Congress is already being predicted as the most likely timing for a vote on TPP because many members of Congress are less likely to vote for a massive, controversial trade agreement shortly before elections.

2015 House vote descriptions

H1 — HR 3 - Keystone XL Pipeline

As one of its first votes of the new year, the House of Representatives 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 9, the House passed this bill with a vote of 266-153 (2015 House Roll Call Vote #16). Although Congress passed a separate bill to approve the XL pipeline, the Senate could not muster enough votes to overcome a Presidential veto. A “+” is a no vote, and consistent with WORC’s position.

H2 — HR 1732 - Clean Water Act

The Environmental Protection Agency (EPA) and Army Corps of Engineers have proposed new rules to clarify which streams and wetlands are “waters of the United States,” thereby protected by the Clean Water Act. HR 1732 would block the proposed rules and prevent intermittent and ephemeral streams from protection under the Act. On May 12, the House voted to pass this bill, 261-155 (2015 House Roll Call Vote #219), but the bill was blocked in the Senate. A “+” is a no vote, and consistent with WORC’s position.

H3 — 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, the House voted to pass HR 2393, 300-131 (2015 House Roll Call Vote #333). Although the Senate did not pass HR 2303, 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.

House		H1	H2	H3	H4	H5	H6	H7	H8	H9	H10	Score
CO	DeGette (D)	+	+	+	+	+	+	+	+	+	+	100%
	Polis (D)	+	+	+	+	+	+	+	+	+	+	100%
	Tipton (R)	-	-	-	-	-	-	-	-	-	+	10%
	Buck (R)	-	-	-	-	-	-	-	-	-	-	0%
	Lamborn (R)	-	-	-	-	-	-	-	-	-	-	0%
	Coffman (R)	-	-	-	-	-	-	-	-	-	+	10%
	Perlmutter (D)	+	+	-	+	+	-	+	+	+	+	80%
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)	-	-	-	-	+	-	-	+	+	+	40%
SD	Noem (R)	-	-	+	-	-	-	-	-	-	-	10%
WY	Lummis (R)	-	-	-	+	-	-	-	-	-	+	20%

H4 — HR 644 - 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. HR 644 would ease passage of the Trans-Pacific Partnership, a massive trade deal between the United States and 11 other countries that is due for Congressional action in 2016. On June 11, the House voted narrowly to pass Fast Trade, 218-208 (2015 House Roll Call Vote #363). With Senate passage earlier in the month, this bill became law. A “+” is a no vote, in support of WORC’s position.

H5 — HR 2822, amendment 13 - BLM Fracking Rules

Representative Brenda Lawrence (D-MI) introduced an amendment to the Department of Interior Appropriations Act which would have removed a provision in the bill that 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 House did not pass HR 2822, however. A “+” is a yes vote, in support of WORC’s position.

H6 — HR 1734 - EPA Coal Ash Rule

This bill would weaken, delay and remove 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). The Senate has not yet voted on the bill. A “+” is a no vote, in support of WORC’s position.

H7 — HR 1599 - GE Food Labeling, The DARK Act

This bill, officially titled the Safe and Accurate Food Labeling Act, would make genetically-modified food (GMO) labels voluntary and block state efforts to require GMO labeling. Consumer advocates refer to this bill as the Denying Americans the Right to Know, or DARK Act. On July 23, the House passed this bill 275-150 (2015 House Roll Call Vote # 462). The Senate has not yet voted on the bill. A “+” is a no vote, in support of WORC’s position.

H8 — 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). The Senate has not yet voted on the bill. A “+” is a no vote, in support of WORC’s position.

H9 — 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, which 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 the President. A “+” is a no vote, consistent with WORC’s position.

H10 — HR 8, amendment 24 - Oil and Gas Split Estate Landowner Notification

Brought forth by Representative Jared Polis (D-CO), this amendment would require the Secretary of 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.

S6 — S 995 - 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. HR 644 would ease passage of the Trans-Pacific Partnership, a massive trade deal between the United States and 11 other countries that is due for Congressional action in 2016. In the end, the bill passed 78-20 (2015 Senate Roll Call Vote #193), and this bill became law. A “+” is a no vote, in favor of WORC’s position.

S7 — S 1140 - Waters of the United States

Introduced by Senator John Barrasso (R-WY), this bill would have required the Environmental Protection Agency to rewrite its Waters of the United States rule and set strict parameters for the EPA and Army Corps of Engineers in rewriting the rule. This bill failed 57-40 (2015 Senate Roll Call Vote # 295), and needed 60 votes to pass. A “+” is a no vote, in support of WORC’s position.

S8 — SJ Res 22 - Stream Protection Rule

The Office of Surface Mining’s proposed Stream Protection Rules would increase monitoring requirements and protect groundwater and intermittent streams from the effects of coal mining, especially mountaintop removal and longwall mining. SJR 22 would have voided the regulations. Despite a veto threat, the Senate passed this resolution 53-44 (2015 Senate Roll Call Vote #297). The House has not yet acted on the resolution. A “+” is a no vote, in favor of WORC’s position.

S9 & 10 — SJ Res 23 and 24 - Clean Power Plan

Senators Mitch McConnell (R-KY) and Shelley Moore 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 undo all of the benefits of the Clean Power Plan and bar 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). A “+” is a no vote, in favor of WORC’s position.

Obama rejects Keystone XL, WORC groups celebrate

Farmers and ranchers in eastern Montana and western South Dakota along the route of TransCanada’s proposed Keystone XL pipeline welcomed President Barack Obama’s decision to deny a permit for the controversial project.

On Nov. 6, Obama announced that the pipeline would not receive the needed international permit to cross the United States. He cited the climate and the need to reduce greenhouse gas emissions as a major reasons why he was rejecting the pipeline. He also countered claims that the pipeline would provide long-term jobs and help ensure energy independence.

Many landowners along the proposed route were concerned about property rights, use of eminent domain to acquire the route, and safety.

“South Dakota landowners have been fighting TransCanada in their use of eminent domain for over seven years now,” said Paul Seamans, a Dakota Rural Action member and landowner crossed by the former Keystone route. “Building the Keystone XL has always been a bad idea and we are thankful that President Obama has realized this.”

After many years of review, TransCanada still did not have an Emergency Response Plan in place. The pipeline would have put agricultural land and waterways at risk.

“The pipeline proposal carried great risk to both safety and the environment, and ran roughshod over private property rights,” said Darrell Garoutte, a Montana rancher with the Northern Plains Resource Council. “The rewards from this project were always inflated, while the risks were often minimized. ‘Thank you’ to the president for making the right decision.”

Editor’s note: As the *Western Organizing Review* prepared to go to the printer, TransCanada announced it would seek \$15 billion in damages through the North American Free Trade Agreement for the Obama Administration’s denial of a permit for the Keystone XL pipeline. The company also filed a lawsuit seeking to overturn the decision.

Congress sacrifices country-of-origin labels

Pressure from bad trade deals and the big meatpackers has gutted a popular meat labeling law.

On December 17, the Senate gave final approval to the federal government spending bill, which contained a provision to repeal country-of-origin labels (COOL) for muscle cuts of beef and pork and ground beef and pork. Chicken and lamb must still be labeled.

Congress was reacting to a World Trade Organization (WTO) ruling authorizing Mexico and Canada to impose up to just over \$1 billion in retaliatory tariffs on U.S. goods because COOL violated trade agreements.

“The World Trade Organization ruling was a blow to consumers and ranchers, but it only applied to muscle cuts of beef and pork,” said Mabel Dobbs, a rancher and Chair of WORC’s Agriculture and Food Campaign Team Chair. “By repealing COOL for ground beef and pork, Congress has gone much further than needed to comply with the WTO decision.”

COOL requires packages to list the country or countries where the animal was born, raised, and slaughtered. A 2013 survey by the Consumer Federation of America found that 90% of Americans favored requiring package labels to

indicate the country of origin of fresh meat.

Dobbs said that repealing COOL through a spending bill negotiated behind closed doors and without a direct vote was “Congress at its worst.”

“Congress has abandoned U.S. farmers, ranchers and consumers,” she said. “It’s as simple as that, and it’s a wake-up call to all Americans, especially with Congress due to vote on the Trans-Pacific Partnership in 2016. TPP contains provisions similar to past trade agreements that the WTO used to rule against COOL. The case against the TPP just got stronger.”

“Radioactive Waste” continued from cover

North Dakota recently adopted new rules. The report finds that while some parts of these rules are more protective than what was previously in place, the rules still fall short in dramatic ways.

First, the new rules raise the radioactivity limit for solid waste disposal from 5 to 50 picocuries per gram, making North Dakota farmers, landowners, facility workers, and other affected community members vulnerable to a much higher exposure dose.

Second, they fail to improve weak inspection and enforcement protocols.

“Without thorough, rigorous, and consistent oversight from the state, especially in the face of a higher radioactivity limit, it is doubtful that the new rules will result in improvements on the ground,” said Larry Heilmann, a retired biochemist from Fargo, N.D., who worked extensively with radioactive isotopes in his research.

The consequences of regulatory gaps are well-documented. North Dakota has experienced an onslaught of illegal waste dumps across the state. In one instance, a waste transporter dumped 200 garbage bags full of radioactive filter socks in an abandoned building in Noonan, N.D.

Montana, meanwhile, has been inundated by waste from North Dakota. Facilities, such as Oaks Disposal, an industrial-scale oilfield waste landfill near Glendive, Mont., have flocked to the Montana Department of Environmental Quality (DEQ) for radioactive waste disposal permits. The Montana DEQ has granted five permits thus far, despite postponing rulemaking.

Radioactive waste poses risks to surrounding communities if managed improperly. The waste can emit radiation through the air or soil, leach into

ground or surface water, or become airborne as contaminated particulates. Exposure to radiation, whether through ingestion, inhalation, or absorption, is associated with a number of health impacts, ranging from anemia, tooth fractures, or cataracts, to a higher incidence of various forms of cancer.

The report calls for federal regulation of radioactive oil and gas waste and stronger state standards to address the needs of the individual states.

“Without thorough, stringent, and effective regulation of this waste stream, Western communities are left vulnerable to serious health and environmental impacts,” LeResche said.

No Time to Waste and an Executive Summary can be found at: www.notimetowastereport.org

Trade deals and US agriculture

In early October 2015, negotiators for the Trans-Pacific Partnership (TPP) reached an agreement that they submitted to their respective governments for approval. The countries involved in addition to the US are Canada, Mexico, Japan, Australia, Brunei, Chile, New Zealand, Singapore, Malaysia, Peru, and Vietnam. The Office of the United States Trade Representative explains that the “TPP will make it easier for American entrepreneurs, farmers, and small business owners to sell Made-In-America products abroad by eliminating more than 18,000 taxes & other trade barriers on American products across the 11 other countries in the TPP—barriers that put American products at an unfair disadvantage today.”

In any trade agreement there are always winners and losers among countries and economic sectors. While it is difficult to say with any degree of certainty how the TPP will play out, we can gain some insight by looking at the impact of past trade agreements. By far, the most important trade agreement of the last couple of decades was the North American Free Trade Agreement (NAFTA).

NAFTA, negotiated by the George H.W. Bush administration and ratified during the presidency of Bill Clinton, came into effect on January 1, 1994. The agricultural export boom that began in the early 1970s peaked in 1981. Over the next decade US crop exports remained below earlier levels as production increased and prices languished. With the ratification of NAFTA, farmers had high expectations that they would benefit from increased agricultural trade with Canada and Mexico.

With that in mind, we looked at US International Trade Commission (USITC) data for US domestic exports and US imports for consumption for both Canada and Mexico. We chose to use data beginning in 1997 because USITC data before 1997 are not available using NAICS (North American Industry Classification System) codes that allow us to look at individual economic sectors. The latest full-year data available is 2014 allowing us to compare the change in trade between 1997 and 2014, just short of the full period NAFTA was in force.

For crop agriculture, a \$497 million positive balance of trade with Canada in 1997 became \$362 million in 2014, for a net reduction of \$135 million, even though crop prices in 2014 were well above their 1997 levels. The US-Canada balance of trade for animal agriculture and aquaculture of -\$1.4 billion in 1997 became -\$2.5 billion by 2014. Forestry and logging saw a change in the balance of trade of -\$33 million and fishing, hunting, and trapping experienced a change in the balance of trade of -\$770 million for the 1997-2014 period. Overall, the cumulative balance of trade between the US and Canada for all agriculture over the period was -\$30.4 billion.

The largest negative change in the US balance of trade with Canada is for the products of oil and gas extraction which changed from -\$13.6 billion in 1997 to -\$78.0 billion in 2014. This was a part of the change in the sourcing of petroleum products from the Middle East to North American as tar sands and fracking produced more petroleum in the US and Canada. Excluding petroleum products, the US balance of trade with Canada improved by \$13.4 billion between 1997 and 2014.

Turning to Mexico, the US balance of trade in crops changed from \$106 million in 1997 to -\$2.3 billion in 2014, a change over the period of -\$2.4 billion. For that same period, animal agriculture and aquaculture experienced a -\$492 million change in the balance of trade; forestry and logging -\$17 million; and fishing, hunting, and trapping -\$17 million. For all agriculture, the change in the balance of trade was -\$2.9 billion between the years of 1997 and 2007. For the whole 18-year period, the cumulative balance of trade for all agriculture was -\$9.6 billion.

The sector with the largest change in the US balance of trade with Mexico between 1997 and 2014 was manufacturing. The change was -\$65 billion between the two years. The cumulative manufacturing balance of trade for all years in the period was -\$876.1 billion. As the NAFTA results suggest, high expectations that trade deals will accelerate growth in the value of total US agricultural exports don't always materialize.

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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

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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

Download these publications at www.worc.org

2016 EVENTS

WORC'S JUNE BOARD AND STAFF MEETING
Red Lodge, Montana..... June 13-15

PRINCIPLES OF COMMUNITY ORGANIZING WORKSHOP
Billings, MontanaJuly 20-23

POWDER RIVER BASIN RES. COUNCIL ANNUAL MEETING
Sheridan, Wyoming..... November 5

IDAHO ORG. OF RESOURCE COUNCILS ANNUAL MEETING
Boise, Idaho November 13

NORTHERN PLAINS RESOURCE COUNCIL ANNUAL MEETING
Billings, Montana November 18-19

WORC'S DECEMBER BOARD AND STAFF MEETING
Billings, Montana December 2-3