



For Immediate Release

Thursday, October 21, 2021

Western Conservation Group Pushes Ahead With Lawsuit To Expose Industry Trade Association Masquerading as Federal Committee

National Coal Council Evaded Accountability, Skirted Federal Transparency Law

Records Obtained in Litigation Show Council Functioned During Trump Admin as a Self-Dealing Industry Trade Association

Great Falls, MT — On Wednesday, the Western Organization of Resource Councils (WORC), represented by Democracy Forward and Earthjustice Senior Attorney Shiloh Hernandez, [pressed ahead](#) with its [lawsuit](#) challenging the National Coal Council's (NCC) refusal to allow public access to its work during the Trump administration in violation of the Federal Advisory Committee Act (FACA). In Wednesday's filing, WORC demonstrates how the NCC functioned during that period as an opaque channel for official policy advice between the coal industry and the Department of Energy, in violation of the law and to the detriment of people harmed by the extraction, processing, or combustion of coal.

WORC is urging the court to compel the NCC to comply with FACA's requirements and open the Council's work to the public by disclosing its materials from 2017 through 2020.

"The Department of Energy needs to end the National Coal Council's unethical influence over national energy policy. The industry representatives who make up the council operate without public scrutiny and push an agenda that lines their own pockets. It's time to expose this shadowy practice and show the American public the full extent of the Council's efforts to prolong schemes to prop up the coal industry at everyone else's expense, including electricity ratepayers, coal mine neighbors, landowners, and ranchers who live with the impact of coal mining," **said Bob LeResche, Powder River Basin Resource Council and WORC Board Member from Clearmont, Wyoming.**

The NCC is a federally chartered advisory committee that makes recommendations to the Department of Energy on federal policy related to coal. It is composed of two identities that are functionally identical: the NCC itself and "NCC Inc.," a 501(c)(6) not-for-profit corporation that is the NCC's corporate alter ego. Both entities are stacked with identical representatives and allies of the coal industry. Under President Trump,

the NCC worked exclusively to advance the coal industry's economic interests, and it did so behind closed doors. From 2017 to 2020, the Department of Energy refused to grant the public access to NCC, Inc.'s materials and meetings.

The Department also refused to grant public access to the NCC's subcommittees, despite the subcommittees drafting all of the NCC's recommendations for the Department and simply presenting them to the NCC for a rubber stamp. Each of the four reports drafted between 2017 and 2020 advocated for the federal government to use its power to expand the production and/or consumption of coal.

"In practice, the National Coal Council is simultaneously a corporate lobbying group and a government entity, enjoying the privileges of each while avoiding meaningful public scrutiny. The result is a government-sanctioned group who consistently puts the interests of coal executives and shareholders above the concerns of landowners, taxpayers, public health, and the environment," **said Steve Charter, a board member of Northern Plains Resource Council and WORC who ranches above an underground mine in Montana's Bull Mountains.** "We need full transparency from the National Coal Council in all of its forms and factions as we begin the critical work of reforming federal coal policies to address the challenges of a changing energy market and an ever-accelerating climate crisis."

Records obtained in the course of this litigation demonstrate the remarkable extent to which the NCC during this period was merely a vehicle for the coal industry. NCC and NCC Inc. officials repeatedly stated that the Department appointing more NCC members would help to fill NCC Inc.'s coffers. The NCC was also advised that: "No concessions to the environmental lobby are in your best interest," and a Council leader noted that its "single most important priority" was "to preserve and rejuvenate the existing coal fleet."

"The National Coal Council flouted federal transparency law throughout the last administration," **said Democracy Forward Senior Counsel and Legal Policy Director Aman George.** "With one hand, the Council sought to stamp a private trade association with the federal government's imprimatur; with the other, it tried to shield the trade association's work from the public eye. We're continuing our legal fight to ensure the Council, the Corporation, and the Council's subcommittees comply with federal law and disclose the work they unlawfully obscured."

WORC [filed suit](#) in October 2020 after the NCC refused WORC's request to comply with federal transparency law by disclosing materials the Council had produced since 2017. On April 6, 2021, the court [denied](#) the defendants' attempt to dismiss the case. The court concluded that WORC had plausibly alleged that "NCC, Inc. operates as a federal advisory committee under FACA," that "DOE does not maintain a passive role in NCC, Inc.'s operation," and that "the development of [the NCC's] reports occurs largely behind closed doors in meetings of Council subcommittees."

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Democracy Forward is a nonprofit legal organization founded in 2017 to litigate challenges to unlawful government action on behalf of organizations, individuals, and municipalities. The organization has taken 650 legal actions and reversed dozens of harmful policies. Democracy Forward is expanding its work, building on its success to confront unlawful threats to democracy and social progress.

The **Western Organization of Resource Councils** (WORC) is a network of eight grassroots organizations in seven Western states with 15,000 members, that works to build sustainable communities that balance economic growth with the health of people and stewardship of their land, water, and air resources. Headquartered in Billings, Mont., WORC also has offices in Colorado and Washington, D.C.

Northern Plains Resource Council is a grassroots conservation and family agriculture group that organizes Montanans to protect our water quality, family farms and ranches, and unique quality of life.

Powder River Basin Resource Council, founded in 1973, is a family agriculture and conservation organization in Wyoming. Resource Council members are family farmers and ranchers and concerned citizens who are committed to conservation of our unique land, mineral, water, and clean air resources.

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