

WESTERN ORGANIZING REVIEW

VOLUME XXIX
ISSUE No. I

SPRING
2020

Northern Plains-Led Lawsuit Invalidates Key Permit for Keystone XL Pipeline

After more than a decade organizing landowners, farmers, and ranchers along the proposed route of the Keystone XL Pipeline in Montana, Northern Plains won a key legal victory in April. A federal judge ruled that the US Army Corps of Engineers violated the law when it approved Nationwide Permit 12, a key water crossing permit for TC Energy's Keystone XL tar sands pipeline and many other pipelines nationwide. The ruling prohibits the Corps from using this fast-tracked approval process for any pipelines nationwide, including Keystone XL. The ruling could block construction through more than 700 water crossings along the Keystone XL pipeline route.

The ruling comes in response to a lawsuit filed by Northern Plains Resource Council and allied groups last year, which challenged the Corps' failure to adequately analyze the effects of pipelines authorized under Nationwide Permit 12, including Keystone XL, on local waterways, lands, wildlife, and communities.

The Keystone XL pipeline is also facing ongoing legal challenges from Indigenous groups and Tribes, who have challenged President Trump's attempt to unilaterally approve the cross-border segment of the pipeline. Construction on that cross-border segment began in early April, and the court will soon decide on whether to block construction on that segment as well. Meanwhile, Montanans are also urging Governor Steve Bullock to put a hold on construction amid the COVID-19 public health crisis.

"This ruling proves, once again, that we are a nation of laws no matter how many times powerful forces seek to undermine bedrock American legal protections," said Dena Hoff, a Northern Plains Resource Council member and Glendive, Montana farmer. "Given this new development, it's imperative that all construction be halted to protect Montana's rural and tribal communities during this pandemic. How, in good conscience, could we risk overwhelming our most vulnerable health care systems for a Canadian project that has never proven to be legally viable?"

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The View from WORC

By Mitch Wolgamott, WORC Chair

Over the last several months, a whole new reality associated with COVID-19 has become apparent. We have joined the ever-growing number of organizations who have adopted new ways of doing business to preserve the safety of our staff and members. This pandemic is difficult to deal with for community organizations like ours, which put a premium on meeting face-to-face, building relationships, and working together to come up with solutions to community problems. We're evolving and adjusting our strategies to ensure that our members' collective voices are heard in decisions that affect our lives and that the vital work of keeping the west a great place to live continues.



We're focusing on digital organizing strategies, virtual and online facilitation and spaces, and innovative actions to pressure decision-makers to help our communities in this crisis. For example, here in Oregon, Oregon Rural Action has been collaborating with the weekly radio program *La Voz Del Pueblo* (The Voice of Town) to broadcast potentially life-saving information about the ongoing COVID-19 pandemic to Eastern Oregon's Spanish-speaking communities. The series, *Accion Rural Hispana*, will bring in experts to address a variety of novel coronavirus-related issues including social distancing policies and practices, the impact on people with chronic health conditions, and assistance that's available within our communities. Other groups within our network are also taking the lead on connecting their communities to accurate information, local foods, and other needs. To keep up to date on what your group is doing, check out your local group's website.

Our work serving local communities doesn't stop there. WORC's regional issue campaign teams are convening to respond to national developments including the continued erosion of protections that will not only harm residents as a whole, but the people most vulnerable to the pandemic in particular. From the gutting of methane rules, to the EPA's suspension of regulations, to the coal industry's attempts to opt out of paying their fair share of royalties that help states provide critical services to residents, WORC is in the fight to keep communities safe.

We are developing ways to build community and listen to our membership even in this time of physical distancing. WORC published a blog, *Organizing in a World of Physical Distancing and Social Solidarity*, to let folks know that we are here, we are adapting, and we are aware that our communities need grassroots power now more than ever.

Our commitment to our equity work is helping us build solidarity in our rural communities. Our main priority, as always, is the safety of our communities, members, and staff. The best way to ensure that safety is by organizing people and giving them a voice.

A handwritten signature in black ink, which appears to read "D. Mitchell Wolgamott".

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 41 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 Alliance
Western Native Voice

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CONTACT WORC

220 South 27th Street, Suite B
Billings, Montana 59101
406/252-9672
billings@worc.org
www.worc.org

Please consider a donation to WORC. Your support enables us to work on tough challenges facing our region

USDA Fails to Strengthen Packers and Stockyards Act

In January, The Trump Administration published and invited public comments on a proposed rule to enforce the Packers and Stockyards Act (P&SA) when it comes to “Undue and Unreasonable Preferences and Advantages.” The P&SA was enacted in 1921 to ensure open, competitive livestock markets to protect producers’ interests from the meatpackers’ exercise of excessive market power. At the time of its passage it was considered to be the strongest anti-trust law ever enacted. However, in the last few decades the law has not been effectively enforced and has been weakened through a number of court rulings.



Congress worked to remedy this lack of enforcement in the 2008 Farm Bill. The Farm Bill required USDA (U.S. Department of Agriculture) to write rules to address the problems of price manipulation and unfair contracts as a first step to addressing the problems of the unfair livestock markets. There were several strong rules proposed during the Obama administration to be enforced by GIPSA (Grain Inspection Packers and Stockyards Administration), but these Vilsack-Obama rules were eventually gutted and killed by the Trump Administration. The enforcement agency itself was reorganized and no longer exists. One section of the rules, “Undue and Unreasonable Preferences and Advantages,” has been revived under the Trump Administration but it is weak and could set a terrible precedent.

WORC opposed the latest iteration of the “Undue and Unreasonable Preferences and Advantages” rule, collected 155 comments, and submitted them to the USDA in March, as the rulemaking period closed. Trump’s rule is vague and does not give Secretary of Agriculture Sonny Perdue the power to stop price fixing and the ability to restore fair competition. This proposed rule from the USDA would make it very unlikely that farmers and ranchers could ever win a complaint against unfair and anticompetitive practices by meatpackers. It’s exactly what we’ve been fighting against for decades! Today we have fewer packers (4) who control more of the market (84%) than we did nearly 100 years ago when the P&SA was enacted.

Strong undue preference rules are vital to the livelihood of ranchers, poultry growers and feeders across our country. Without them, the trend of vertical integration, manipulated markets, and unfair contracts will persist, resulting in the destruction of any free market system we have left in the livestock and poultry sectors. WORC is continuing to work with allies to find opportunities to push USDA and this administration to stand up for ranchers and rural communities by putting real teeth into the Packers And Stockyards Act.

New Faces at WORC

We welcomed two new staff in the first quarter of 2020. Briana and Jessica are both based in Billings. Make sure you stop by and say hi next time you're in the building. Briana Bergeron is helping with external fundraising and grant writing and Jessica Plance works mainly on our storytelling projects.

BRIANA KERSTEIN BERGERON, DEVELOPMENT ASSOCIATE

Briana joined the WORC staff in her current position in February, 2020. Until 2016, she was the Campaign Director for the Western Coalfield Alliance, a coalition which included WORC, Northern Plains, Powder River Basin Resource Council, and other regional and national partners. Prior to returning to her hometown of Billings, Montana, Briana spent 7 years in New Orleans working with the Gulf Restoration Network. Briana assists with grant writing, compiling grant reports, and general external fundraising support. She is a graduate of Colorado College with a B.A. in Womens’ Studies.

JESSICA PLANCE, CREATIVE CONTENT PRODUCER

Jessica joined the WORC staff in March, 2020. She is an environmental photojournalist from upstate New York. After graduating from Rochester Institute of Technology with a degree in photojournalism and environmental studies, she spent 4 years living and traveling around the west documenting conservation and research projects while advocating for the protection of public lands. Jessica produces photographs, articles, and videos for WORC’s Homegrown Stories, Homegrown Prosperity, and Living with Oil and Gas storytelling projects.

Around the Region

A look around WORC's network

Dakota Resource Council

Dakota Resource Council members recently met with the Region 8 EPA Administrator Greg Sopkin to discuss issues surrounding air quality in North Dakota. During the meeting DRC leaders held the Region 8 Administrator accountable for the March 27th letter



which suspended the enforcement of environmental regulations. DRC hopes that the EPA will rethink its new COVID-19 policy and work to enforce air quality and water quality standards.

Dakota Rural Action

Dakota Rural Action created a guide for both consumers and producers to continue to support local food production. COVID-19's arrival in South Dakota has created an unprecedented disruption to seasonal planting. Although the regular farmers' market season is still several weeks away, there's a significant chance they will be postponed or potentially canceled — an economic catastrophe for the farmers.

Just as there are additional ways for local farmers to reach consumers at this time, there are outlets to engage with farmers, establish direct contact, and make your purchases. DRA has created two guides to help consumers



and producers continue to support and help build a local, resilient food system. These guides help you navigate these uncertain times by offering:

- Ideas on how to initiate and maintain contact with local farmers.
- Questions to ask local farmers about how you can buy their products.
- Resources to prepare for any changes that might occur in your local market.
- Local Foods Directory: DRA compiles the South Dakota Local Foods Directory, a consumer's guide to eating locally – this connects consumers to farmers and other producers.

See DRA's website at www.dakotarural.org/ for the full guides and more information.

The Idaho Organization of Resource Councils

Idaho Organization of Resource Councils

IORC had a big win during the 2020 Legislative Session. In the morning of March 12, in front of the Senate Agriculture Affairs Committee, staff and members showed collective strength by turning out a room full of people to testify against HB 487, which would weaken ISDA's statutory authority to protect farm workers and Idaho communities from aerial and ground-based pesticide spraying. This would not have been possible without behind the scenes organizing by members of our new chapter, Vision 2C Resource Council, who are determined not to let the two dozen workers poisoned in a Parma hops field be forgotten. For those of you who may have missed it, IORC and various partners successfully lobbied against attempts by pesticide applicators to weaken regulation of their industry.



Northern Plains Resource Council

After years of organizing to demand that the Montana Department of Environmental Quality (DEQ) create rules for safe disposal of radioactive oilfield waste, Northern Plains members were shocked and disappointed by a new development last summer. In August of 2019, DEQ released a new draft of rules proposing to quadruple the radioactivity levels allowed from a previous draft. This newly proposed radioactivity level was also four times the legal limit allowed in neighboring North Dakota, where most of the oilfield waste coming into Montana originates. Had those rules been finalized, this would have ensured that Montana would become the dumping grounds for North Dakota's oil industry. But Northern Plains members didn't accept this backslide and sprang into action.



Members submitted over 1,000 comments, packed hearing rooms, wrote letters to the editor, called the governor's office, displayed yard signs near DEQ's office, and pulled out all of the stops. In an unprecedented and dramatic move, the DEQ proposed last minute changes in early 2020, meeting the lower radioactivity level members demanded as well as creating other stronger protections advised in member comments.

While these new proposals have not been finalized as of this writing, Northern Plains members are expecting a victory after years of tenacious organizing. Stay tuned...

Oregon Rural Action

In late March, local Latino leaders launched a live radio series called, Accion Rural Hispana, on the weekly radio show, La Voz Del Pueblo (The Voice of Town) broadcast across rural northeastern Oregon. The series is designed to disseminate potentially life-saving information about the ongoing COVID-19 pandemic to Eastern Oregon's Spanish-speaking communities.



Hosted by Jose Garcia, and in collaboration with organizer Ana Elisa Wilson, La Voz Del Pueblo will feature experts including public health, university, social service, and other community members, sharing vital information for Spanish-speaking residents including social distancing policies and practices, the impact on people with chronic health conditions, and assistance available (economic/wages, food, clothing, housing, and others).

Powder River Basin Resource Council

In March, Powder River's affiliate, the Alliance for Renewable Energy of Laramie (ARE), realized a big win when the Laramie City Council unanimously approved a resolution for the city to become carbon neutral by 2050. ARE members have been working on this issue for the past two years, gathering the necessary data on municipal emissions and garnering public support for the issue. An excited and supportive public packed the city council chambers on the evening of the vote.

Using the city's 2018 emission levels as a baseline, the resolution calls for a 50% reduction in emissions by 2030, 90% by 2040, and to achieve net-zero emissions by 2050. Some of the recommended actions to hit these benchmarks include converting the city's fleet to hybrid



and electric vehicles, installing solar panels on city buildings, and using other energy efficiency measures.

The resolution was made possible by the year-long effort to inventory the city's emissions, which was organized by ARE and partners, the University of Wyoming's Haub School of Environment and Natural Resources and the City of Laramie. To further advance the goal of achieving carbon neutrality, ARE and university students now are working to extend the municipal inventory to a community-wide emissions inventory.

Western Colorado Alliance

Western Colorado Alliance is newly invigorated with the hiring of three brand new full-time organizers, Brian Williams, Abby Landmeier, and Nick Allan! The hiring process was long and exhaustive, and we are thrilled to have the intelligence, passion, and experience that Brian, Abby, and Nick bring to our ranks.



Recently, we've been battling oil & gas industry efforts to delay the rulemakings mandated by last year's historic SB-181 "Protect Public Welfare Oil and Gas Operations" bill.

Meanwhile, our non-partisan West Slope Youth Vote students have been highly active. Before anti-coronavirus efforts shut down public events in Colorado, they drove very successful student registration and activation events in (now) four counties in Western Colorado and had the opportunity to speak to state officials, like Attorney General Phil Weiser, as part of our Alliance's annual People's Lobby Trip in February. Since Governor Polis issues his Stay-At-Home order, West Slope Youth Vote has moved its operations online and the students are now producing a series of weekly webinar-interviews with local elected officials and other Western Colorado thought leaders regarding COVID-19 and its impact on young people.

Western Native Voice

Western Native Voice (WNV) posted a COVID-19 Mutual Aid form on Facebook in March. They were able to provide financial help to five Montana tribes who had unmet needs. WNV is also having local influencers, such as tribal council members, do Facebook live events to promote the Census this month. A script was provided to those willing to record videos and radio ads. WNV is currently planning a Census challenge for May with prizes.



Rural Electric Co-ops Should Halt Disconnects During COVID-19

In response to the COVID-19 crisis, nearly every investor-owned utility (IOU) in our Western region has decided to halt all electricity disconnects for the duration of the crisis. State officials are also taking action, like the Colorado and Montana governors who have issued directives to halt all utility shut-offs. And yet to date, too few rural electric co-ops or public power utilities (munis) in our region have announced similar policies to help their member-owners during the COVID-19 crisis. That's why WORC has created resources for members of co-ops and muni's so they can call on these rural utilities to halt these disconnects.

The decisions of our co-ops significantly impact low-income households especially. Rural electric co-ops serve 92% of the nation's 395 poorest counties. Low-income households also have the highest energy burden (percentage of income that is needed to cover electricity bills) of all US households. These disproportionately high energy burdens will only be exacerbated by the COVID-19 crisis.

There are three important measures a co-op or muni can take that will significantly help households and businesses: a moratorium on all electricity shut-offs and a waiver for all late-payment charges throughout the duration of the crisis, as well as reinstituting any services that have already been cut off due to nonpayment. Additionally, the utility must communicate this new policy to members proactively.

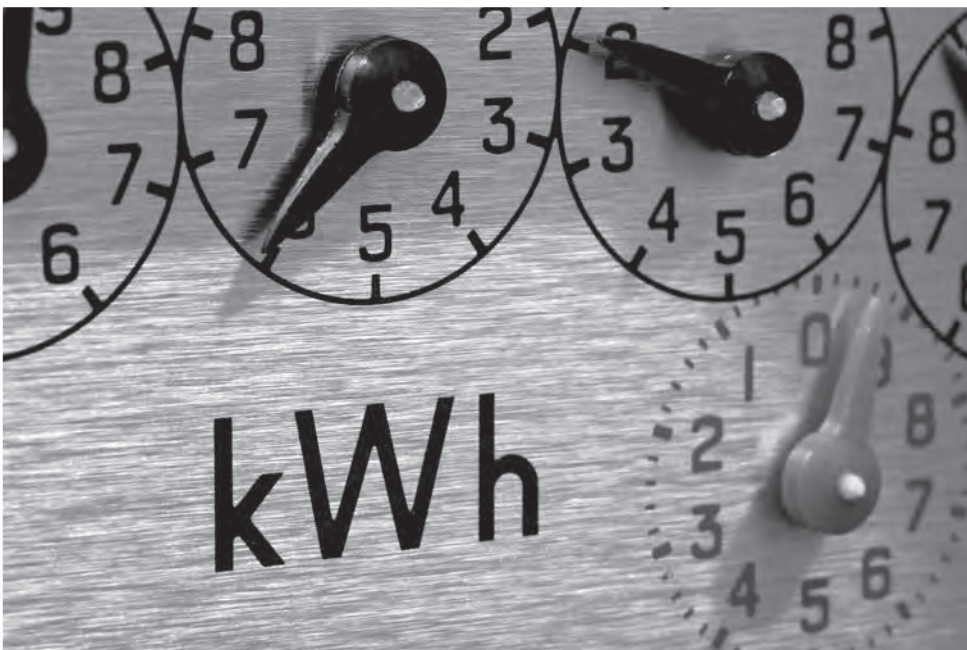
It's not easy for a small utility provider to implement an emergency measure like this, but there are solutions and resources available. Firstly, co-ops should contact their power supplier and request help in continuing to supply critical electricity and heating services. Working with their much larger supplier, a co-op could delay their wholesale power payments or develop an emergency program to help low-income families. Additionally, the USDA's Rural Utility Service programs received massive additional funding (from the recent CARES act) that is available to co-ops and rural utilities so they can continue to provide reliable service and not disconnect anyone's power. Co-ops and munis worried about their finances during COVID-19 should reach out to the USDA and inquire about applying for these new grants and low-interest loans.

WORC's Clean and Renewable Energy Team is tracking co-op and munis policies on shut-offs in our region, since there were no other public resources for this information. The team has also put together a set of resources for co-op members and others in our region to take action and worked with interested member groups to share these with more folks. The resources include a sample letter from a co-op member to the co-op's board of directors requesting a halt

to shut-offs; sample letters-to-the-editor; and background resources on energy burdens and rural utilities.

In the long-term, the Clean and Renewable Energy team is working to provide resources and encourage more co-ops to save money through energy efficiency programs and renewable generation.

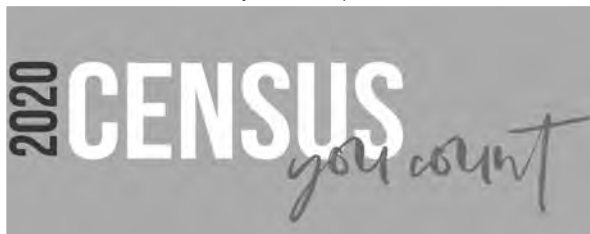
For co-op resources please visit <https://bit.ly/co-opresources>.



Our Communities Need a Complete Count in the Census

The decennial census is our once-in-a-decade opportunity to capture accurate information about rural communities. This data is used to apportion political representation in the United States House of Representatives, as well as drawing district boundaries for local and state elections. Government agencies also use census data to determine which areas are considered rural and urban and to make funding decisions for federal programs. It is estimated that for each person that is not counted in the 2020 Census, their community will lose out on \$20,000 in funding over the decade. All of these uses depend on a fair and accurate census that counts everyone in America.

The 2020 Census brings new challenges to a complete count because for the first time, Census response is primarily online. We know that there is limited access to the internet in rural and tribal communities. In Montana, around 35% of households within the boundaries of a tribal nation have either no home internet service or dial up-only service, and another 8% of households have a cellular data-plan only. In rural communities, it is estimated that over



a quarter of all residents have no internet access in their homes. In the 2010 Census, 79% of the Hard-to-Count counties were in Rural America with Native Americans being among the hardest-to-count populations

in our region. Lower median ages, higher rates of poverty, high rates of mobility and housing insecurity, remote residences and non-standard addresses within tribal nations, and historic reasons to distrust the federal government all have contributed to Native Americans being the most undercounted groups in the Census.

A complete count is critical for rural and Native American communities because it is estimated that over 300 federally funded programs relied on census data to distribute around \$900 billion to communities in 2016, of that, around \$30 billion went to 60 different federally funded programs that exclusively serve rural communities, and \$3 billion went to 55 federal programs that exclusively serve tribal communities. Census data is used to allocate funding for many critical programs including the Supplemental Nutrition Assistance Program (SNAP), Medicaid, Rural housing and rental assistance programs,

You can fill
out your census
form online
by visiting
2020census.gov
or calling
844-330-2020

Public and Indian Housing (HUD), rural infrastructure programs, education funding, and more.

Western Native Voice and North Dakota Native Vote are both organizing tribal communities to ensure a complete and accurate count in 2020. Both groups have field organizers mobilizing their communities and collaborating with federal and state partners to ensure all of their communities understand the importance of being counted. With the onset of COVID-19, both groups have had to adjust their programs by building robust digital and relational organizing campaigns. Also, the Census Bureau halted their in-person field efforts until June 1st and extended the self-response timeline six months, moving it from March to October of 2020. Regardless, our organizations and partners know the importance of being counted in the 2020 Census and won't let any obstacles get in the way of ensuring our communities have fair access to federal funding and fair representation in our democracy.

Take Action

www.worc.org/takeaction

1. **Country of Origin Labeling (COOL):** Sign our petition to close beef labeling loopholes
2. **EPA Suspends Environmental and Health Enforcement:** Tell the EPA to Keep Strong Protections
3. **Keep Clean Energy Affordable:** Tell the Federal Energy Regulatory Commission (FERC) to Save Net Metering

Bonding Levels Leave Liability in Time of Economic Crisis

Resting equipment littering working ranches and farms; failing well casings with the potential to leak and contaminate drinking water supplies; potentially billions in taxpayer-funded cleanup required, growing by the day; and noxious weeds, contaminated soil, and soil erosion choking out productive land—this is the future facing oil and gas producing regions if agencies do not address the growing crisis of orphaned oil and gas wells.

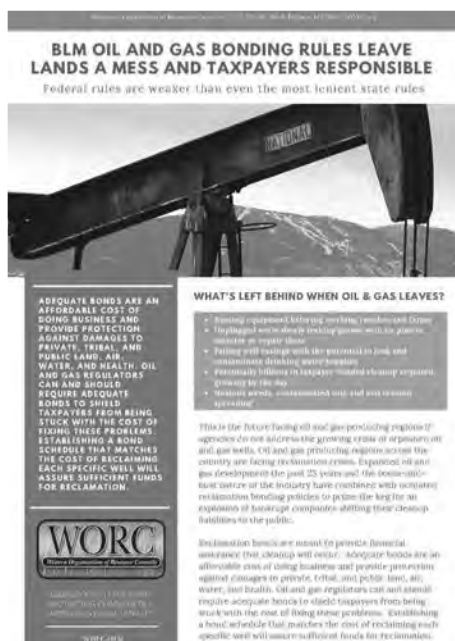
In the midst of historically low oil prices and plummeting demand due to coronavirus restrictions, inadequate federal and state reclamation bonding requirements make it easier for deeply indebted oil and gas operators to declare bankruptcy and walk away from orphaned wells. WORC recently published an examination of the bonding rules in eleven Western states, finding that the federal Bureau of Land Management's (BLM) rules are weaker than any state's, with a minimum statewide bond requirement four times lower than the typical state requirement.

While the federal rules are the weakest, rules vary from state to state and no state's rules fully protect against orphaned wells. In the midst of historically low oil prices, grossly inadequate bonding levels will allow already deeply indebted companies to declare bankruptcy and walk away from cleanup responsibilities en masse. Antiquated bonding rules, disregard of high-risk idle wells, and lack of dedicated reclamation funding have created a perfect storm of growing liability.

"The bonds required by the BLM for federal minerals are vanishingly small relative to the cost of reclamation. Taxpayers and landowners should not foot the bill for oil company cleanups—especially not while we're dealing with this unprecedented economic and public health crisis," said Barbara Vasquez, of Cowdrey, Colorado, WORC's Oil and Gas Team Chair and member of Western Colorado Alliance. "Until oil and gas companies are required to put up enough money to cover the actual costs for reclamation, there should be no more 'gifts' granted by the administration."

protection against damages to private, tribal, and public land, air, water, and health. Oil and gas regulators can, and should, require adequate bonds to shield taxpayers from being stuck with the cost of fixing these problems. Establishing a bond schedule that matches the cost of reclaiming each specific well will assure sufficient funds for reclamation.

To read this, or any of our other reports and publications, visit our website at www.worc.org/ourpublications/



With WTI Crude trading at roughly \$20 per barrel at the time of publication, almost no wells in the United States—particularly not shale plays—can produce oil at a profit. For an industry already facing grim prospects, these prices are a nail in the coffin for many producers. According to the Institute for Energy Economics and Financial Analysis, 42 bankruptcy filings among Exploration & Production (E&P) companies in 2019 involved nearly \$26 billion in debt – double the \$13 billion in bankruptcy-related debt filed in 2018. This year will likely set a new record for bankruptcy debt and associated orphaned wells.

Adequate bonds are an affordable cost of doing business and provide

Bonding Crisis Looms as Gas Prices Tip into the Red

Leslie Robinson lives in Rifle, Colorado, a town nestled on the banks of the Colorado River. Dave Devaney lives 20 minutes to the west, downriver, in Battlement Mesa, Colorado. Both Dave and Leslie have witnessed the boom and bust economy of oil shale drilling shape their hometowns, the Valley, the Piceance Basin, and all of Western Colorado over the last few decades. While drilling has driven some neighbors apart, their work to hold the industry accountable has helped build a new community and friendship between the two.

“People are just really tired of the busts and booms that energy development brings,” Leslie said.

Western Colorado residents have witnessed first hand why it’s important to have stronger state and federal regulations on oil and gas. “We need those safety nets for when the bust happens because it invariably follows the boom,” Leslie said.

When busts happen, they often leave behind orphaned wells.

“There’s a problem on federal land of abandoned wells. And now that the prices are marginal, that means family-owned or small corporate-owned companies will run away and leave wells behind. The Colorado State inspectors have told me that their BLM counterparts are saying the state can clean up the orphan wells because the feds don’t have enough money to do that. The Colorado taxpayer is held responsible if we want to have these abandoned orphan wells plugged, we’re going to have to pay for it. The state is going to have to go in and plug those wells,” Leslie said.

In April 2019, Senate Bill 181 passed. The bill, “Protect Public Welfare Oil And Gas Operations,” was intended to provide additional public welfare protections regarding oil and gas operations and change the mission of Colorado’s regulatory agency from a mandate to “foster development,” to one which prioritized public health and environmental safety. A Democratic governor and Democratic-controlled Senate and House, paired with increased oil and gas development on the Front Range (near metropolitan areas like Denver and Boulder) encouraged lawmakers to reassess how the industry controls the state.



“With the Democratic trifecta in Denver, it was a convenient time to change oil and gas regulations and make them stronger across the state. We’ve been dealing with impacts of oil and gas since the 80s, but the Front Range (Denver metro area) was totally unprepared with residential drilling. There are

communities like Broomfield and Boulder with million-dollar homes and all of a sudden there’s a pad across the street because it’s in a different county and that particular county likes oil and gas. And so there’s been a lot of confrontation going on between the industry and communities on the Front Range.”

“The basic mission of the Colorado Oil and Gas Conservation Commission was to foster the development of oil and gas, but with SB181 their new mission is to develop oil and gas if it does not harm public health, safety, and the environment. So that’s been the major impact and all the rules are going to flow from that mission change,” Dave said.

For the first time since oil and gas development in Western Colorado ramped up in 2004, Dave and Leslie are hopeful.

“We’re very encouraged by the passage of Senate Bill 181 in Colorado and I think that has already shown great promise,” Dave said.

Leslie said there’s a huge push for lawmakers to pass stronger legislation and to “beef up” the Colorado Oil and Gas Conservation Commission.

“We’re hopeful this will result in preserving our clean air, our clean water and that the industry will have greater setbacks that they’ll have to acknowledge in order to drill underneath residential areas. It gives the oil and gas commission the opportunity to say no to bad oil and gas proposals,” Leslie said.

Through this process, Dave’s new mantra regarding residential drilling became a modified NIMBY: “Not in my back yard, not in your back yard, not in anybody’s back yard.”

WORC Calls on Washington to Reject Corporate Bailout Proposed by Coal Lobbyists

In the midst of the COVID-19 crisis, the coal industry is calling for a bailout by the federal government on the backs of sick coal miners and polluted coal communities.

On March 18, 2020, just as Congress was penning and passing major spending bills to stimulate the economy, the National Mining Association (NMA) sent a letter to the White House and Congressional leadership requesting that Congress end the industry's obligations to pay into long-standing programs that benefit coal communities in a variety of ways. The payments they are trying to dodge include support for coal miners with black lung disease and their families, funding cleanup of polluting mine sites that have been abandoned by their owners, and compensation to Americans for the privilege of mining and selling coal that is owned by the public and managed by the federal government.

The NMA sent their letter the day before Senate leadership released text for a \$2 trillion dollar legislative stimulus package that would direct payments to individuals, and other "severely distressed sectors" of the U.S. economy. Although the coal industry was not one of the industries named, the now-enacted law known as the CARES Act is only considered a first step. There will likely be new bills passed, leaving ample opportunity for the NMA to continue lobbying for rollbacks and sweetheart deals.

Black Lung and Abandoned Mine Land Programs Benefit Coal Communities

The Black Lung trust fund provides modest cash payments and medical benefits to thousands of miners suffering from the disease caused by years of inhaling dust in underground coal mines. The trust fund has been underfunded nearly every year since it was created 40 years ago, requiring it to borrow money to meet its obligations. The coal industry now proposes cutting its already inadequate contributions at a time when black lung is seeing a resurgence.

"Coal executives' troubles are based on a long history of poor management and poor planning for changing energy markets," said Ellen Pfister, a member of Northern Plains who ranches above an underground coal mine near Shepherd, MT. "Reducing the Black Lung Excise Tax passes the burden onto people who are least able to bear it. CEOs are seeking to manipulate a global public health crisis for private gain."

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The Abandoned Mine Lands (AML) program cleans up mines abandoned before 1977. Current estimates place the cost of full cleanup at more than \$10 billion. Cleaning up these sites decreases water pollution and can create opportunities for jobs and new economic activity in coal communities.

Federal royalties are a big source of income for many Western states

The biggest impact to western states from the NMA's policy proposals would come from suspending or reducing federal royalty payments. Royalties are not a tax, but rather a payment to the owner of a nonrenewable resource like coal when coal is sold. In the case of stripmined federal coal, the royalty is set by law at 12.5% of the coal's sale price. Most western coal is owned by the federal government, and is therefore subject to federal royalty payments.

About half of federal royalties are returned to the state where the coal was mined. Royalty income is crucial for public services in many western states. In Wyoming alone, federal royalties (including from oil and gas) make up nearly three-quarters of the state's annual budget.

"This is so obvious it shouldn't have to be said: coal companies need to be paying American taxpayers for the public coal they mine and sell," said Bob LeResche, a Board Member of Powder River Basin Resource Council from Clearmont, WY. "Congress has a duty to ensure state and federal taxpayers get the full value for our minerals. Cutting royalties would not increase the

demand for coal. It would only further hurt states like Wyoming, which are already struggling from revenue lost from shrinking coal markets.”

Using the COVID-19 crisis as an excuse to reduce royalty payments would be an unwarranted gift to an industry that’s being driven out of business by cheaper sources of electricity like natural gas and wind or solar energy. Reducing payments won’t save the industry, but it will dramatically reduce western states’ revenue streams when they need it the most.

No Federal Action Yet

Republican senators and Congressional representatives sent their own letters to Interior Secretary David Bernhardt urging unilateral action to suspend royalty payments by the coal industry, the oil and gas industries, and the soda ash (trona) mining industry. As of the time of writing, the Department of the Interior had taken no action to suspend royalties.

Lifting Voices of Farmworkers through Community Organizing

In late May 2019, 20 farmworkers harvesting hops near Parma, Idaho, were suspected to have been sprayed by pesticide from a crop duster.

Farmworkers recounted smelling the harsh chemicals that were dropped on top of them. The physical and mental ailments soon followed, sending many in the group to the nearest hospital in Treasure Valley for suspected pesticide exposure. Farmworkers detailed symptoms of excruciating headaches, coughing up blood, dizziness, and blurred vision.

This legislative session, the Idaho Agricultural Aviation Association and house representatives introduced legislation that would protect crop duster pilots over the protection of farmworkers, communities, and the environment.

Simultaneously, the Idaho Organization of Resource Councils’ (IORC) research assessment, conducted by bi-lingual community organizer Irene Ruiz, pointed to communities in Canyon County wanting to organize around similar concerns. This ultimately led to the creation of Visión 2C Resource Council (V2C). V2C focuses on “community-driven social justice that is multi-generational, multicultural, and is representative of the people of Canyon County.” Their mission is to build and advocate for resilient, equitable, and sustainable communities through grassroots leadership.

As IORC’s bi-lingual agriculture and food organizer, Samantha Guerrero, spends a lot of time working on pesticide issues, a topic farmers and farmworkers alike want to build power around.

Samantha explained the dangers linked to pesticide exposure are cancer, birth defects, alzheimers, autoimmune diseases, and much more. Farmworkers aren’t the only group at risk. Without restrictions on where pilots can spray and when they can spray, communities who live near spray are at the mercy of sprayers.

On March 12, 2020, community members, farmers, and farmworkers came out to a public hearing at the Senate Agriculture Committee to speak out against this bill.

While IORC and V2C were successful in having the bill amended, it was ultimately vetoed by Governor Brad Little. Moving forward, it is projected that there will be a rulemaking session this summer, in which advocacy groups are hoping to bring momentum from this incident into play to reinstate the protections that were stricken from the administrative rules.

“We’re working hard to bring the issue to light, we know how dangerous it will be if we don’t,” Samantha said.

Irene said IORC’s role isn’t to speak for farmworkers and the people they organize but to ensure the people they organize can be involved in the process.

“It’s important we uplift the voices who do the work, which is the farmworkers,” Irene said.



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2020 EVENTS

IDAHO ORGANIZATION OF RES. COUNCILS BOARD MEETING
Boise, ID.....May 9

POWDER RIVER BASIN RES. COUNCIL BOARD MEETING
Casper, Wyoming.....May 15

DAKOTA RURAL ACTION BOARD MEETING
Pierre, SDMay 20

NORTHERN PLAINS RESOURCE COUNCIL BOARD MEETING
Billings, MontanaJune 20

PRINCIPLES OF COMMUNITY ORGANIZING TRAINING (POCO)
Billings, MTJuly 22-25

WORC'S WINTER BOARD AND STAFF MEETING
Billings, MT.....December 4-5