

WESTERN ORGANIZING REVIEW

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WORC Demands Worker Protections at Meatpacking Plants

Some of the largest outbreaks of COVID-19 have occurred at corporate meatpacking plants and there is no sign the spread is slowing down. In late May, WORC, Dakota Rural Action, Western Colorado Alliance, and Northern Plains Resource Council joined the UFCW calling on meatpacking companies, the Trump Administration, as well as state and local governments, to take immediate and stronger steps to protect frontline meatpacking workers and our food supply from the deadly COVID-19 virus. Steps to stop the ongoing spread of COVID-19 include, but are not limited to: (1) increased worker testing at meatpacking plants, (2) priority access to PPE for all meatpacking workers, (3) halting line speed waivers, (4) mandating



social distancing inside meatpacking plants, and (5) isolating workers with symptoms or who test positive for COVID-19.

The need to take these immediate safety steps reflects the significant threat still facing America's meatpacking workers. According to the UFCW internal estimates, more than 3,000 meatpacking workers have tested positive for COVID-19 and at least 44 UFCW meatpacking workers have died from the virus. Because of the continuing spread, at least 30 meatpacking plants have closed at some point since March 2020 – with closures impacting over 45,000 workers and contributing to a 40 percent reduction in pork slaughter capacity as well as a 25 percent reduction in beef slaughter capacity.

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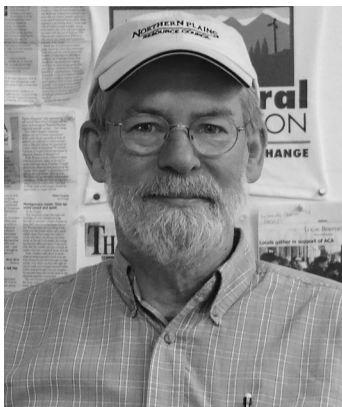
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The View from WORC

By Mitch Wolgamott, WORC Chair

The murders of George Floyd, Breonna Taylor, Aundrea Arbery, and countless other Black Americans have brought systemic racism and racial violence into the national and international spotlight. And while these highly publicised tragedies have gained so much necessary attention, there are countless similar tragedies that don't grab headlines, including many in the rural west.

Occasionally people ask why WORC is involved in the diversity, equity, and inclusivity work that we've been undertaking for the last several years. There are people in our states that don't see how critical this work is because they think of race issues as something endemic to large cities. Rural areas in the west can be very diverse, and are growing more so all the time. In my state of Oregon, a quick trip through the farm fields of the La Grande Valley will remind you that Spanish is a frequently spoken language, especially in the food-producing parts of the state. If you wave at any pickup truck on the backroads (a common practice in rural Oregon) quite a few of the returning waves will be brown hands. Of course, just north of my home lies the Umatilla Reservation, a reminder of the ongoing resiliency of indigenous peoples in the face of centuries of state-sanctioned violence.



Black, Indigenous, and People of Color (BIPOC) voices have intentionally been erased from rural America's narrative. It's a part of the systemic oppression that's been embedded in the cultural and political fabric of the United States from the beginning. In the midst of today's historic Black-led movements for justice, we are called both individually and as an organization to contend with our internally held biases and to work to dismantle oppressive systems of power.

WORC stands with the Black Lives Matter movement and with BIPOC individuals, communities, and organizations whose experiences and voices have been historically muted. We strive to be welcoming to those voices. You can expect to hear more diverse voices getting involved and speaking out on the issues that affect them and their communities.

We invite our members and supporters to also stand in solidarity with the Black Lives Matter movement by putting time, energy, and money into eliminating these systemic injustices.

As supporters of WORC, I urge you to take a look at our statement supporting Black Lives Matter on page 6 and also stand in solidarity with the Black Lives Matter movement by putting time, energy, and money into eliminating these injustices. We can't move the needle against systemic and institutional racism without your help.

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

"Too many workers are being sent back into meatpacking plants without adequate protections in place, reigniting more outbreaks in the plants and our communities," said Nick Nemec, a farmer, cattle producer and DRA member from Holabird, SD. "Leadership at all levels has shown a lack of support and concern for the workers and the farmers. A safe food system starts with the safety and respect of those doing the work to produce and process the food. Our current system fails because it treats farmers and workers with little respect and little regard for our safety."

"The best way to protect our food supply is to protect the people who work within it," said UFCW International President Marc Perrone. "From frontline food processing workers to farmers and ranchers, we are all critical to keeping American families fed during this crisis. Enacting strong worker safety standards inside meatpacking plants will help people outside of them as well and ensure every link in our food supply chain is secure."

"We support the workers' call for mandatory worker protections," said Kathryn Bedell, rancher and Western Colorado Alliance member from Fruita, CO. "If they don't get protective equipment and safe working conditions, the food system will remain vulnerable and we all lose – producers, workers, and consumers. For too long, the government agencies have stepped back and allowed global meatpacking companies to voluntarily comply with antitrust laws. We know from firsthand experience that this is a failed approach, because it has allowed the meatpacking cartels to manipulate prices paid to livestock producers to the detriment of our livelihoods, and to the detriment of our rural communities who depend on the cattle business."

For more information see
*A Covid Response for Rural
America*
on our website at
<http://www.worc.org>

"This pandemic didn't create the crisis for workers and producers in the meat industry, but it has made a horrific situation even worse," said Steve Charter, a Shepherd, MT, rancher and Northern Plains Resource Council board member. "The consequences of this rigged system are now threatening the lives of meatpacking workers at the same time they're killing the livelihoods of family ranchers. If leaders want to address this crisis, they need to start with enforcing antitrust laws, instead of abusing emergency authority to force workers to endanger their health. We must use this opportunity to create decentralized, local and regional food systems that are better for producers, consumers, and workers. Now, more than ever, we need policies that help folks who wear boots to work each day instead of shining the shoes of executives in board rooms."

Breaking News: Victory for Oil and Gas Communities!

Late on July 15th, in a resounding victory for taxpayers, public health, and the environment, WORC secured a major victory in court when a federal judge invalidated the Trump Administration's rollback of the Obama-era Waste Prevention Rule. This ruling means that the Waste Prevention Rule goes back in effect in 90 days, and the oil and gas industry will have to comply with the Rule's requirements to prevent waste of gas on federally managed lands and minerals.

In the ruling, U.S. District Judge Yvonne Gonzalez Rogers found that this rescission violated federal law because it ignored the federal government's statutory duty to prevent waste, instead relying almost entirely on inadequate or nonexistent state regulations. The judge also rejected the administration's attempt to downplay the costs of the climate impacts of this rule. Further, the judge rejected the administration's refusal to investigate the public health impacts of this rule on the people living near oil and gas facilities including tribal communities.

"The court's ruling is a victory for people who are bearing the brunt of federal and tribal oil and gas development," said Lisa Deville, vice chair of Fort Berthold Protectors of Water and Earth Rights. "Everyday invisible methane spills impact our people's health contributing to asthma and other respiratory health issues. The court rejected BLM's attempt to ignore these public health impacts."

Find more information on WORC's Blog at www.worc.org

Around the Region

A look around WORC's network

Dakota Resource Council and Dakota Rural Action

In conjunction with Farm Aid's Farmer Resilience Initiative, Dakota Resource Council and Dakota Rural Action are administering and distributing relief funds to family farmers and ranchers in North and South Dakota. After years of weathering low prices, natural disasters and now the disruption to markets brought on by the



COVID-19 pandemic, farmers and ranchers in the Dakotas are looking for resources to cope, take care of their families and keep their businesses. "The Farmer Resilience Initiative is our effort

to provide some small part of that assistance, and the large number of applicants we've seen in both states tells us that the need for relief is widespread and unabated," said Stacy Roberts, DRA board member and local producer.



DRA and DRC members and staff have reviewed each application and distributed one-time payments of \$500 for household expenses to producers across North and South Dakota.

Idaho Organization of Resource Councils

IORC has joined a nationwide coalition of organizations to file an administrative civil rights complaint with the US Department of Agriculture alleging that in addition to being disastrous for the well-being of workers and for public health, major meat processing corporations have engaged in racial discrimination prohibited by the Civil Rights Act through their workplace policies during the COVID-19 pandemic.

The complaint alleges that megacorporations Tyson and JBS have adopted policies that reject critical Centers for Disease Control guidance – social distancing on meat processing lines – to stop the spread



of COVID-19 at their processing facilities and that the results of their current operating procedures have a discriminatory impact on the predominantly Black, Latino, and Asian workforce at the companies' plants.

On July 7, 2020, the Centers for Disease Control and Prevention published data collected through May 31, 2020, analyzing the COVID-19 disparate impact suffered by workers in meat processing facilities, and discussed the measures implemented – or more importantly not implemented – at such facilities. The CDC Disparity Report found that, based on 21 states reporting race and ethnicity data, "Hispanic and Asian workers might be disproportionately affected by COVID-19 in this workplace setting."

See Workers' Rights Groups File Civil Rights Complaint Against Packers article at www.drovers.com.



Northern Plains Resource Council

The Northern Plains Resource Council won a major victory when the Montana Department of Environmental Quality (DEQ) finalized rules that will govern radioactive oil waste disposal in Montana. Crafting these protections took over 6 years, and was driven largely by Northern Plains members.

"Plain and simple, these protections would not be law if it weren't for the determination of Montanans who refused to let our land, water, and livelihoods be sacrificed," said Maggie Copeland, a Northern Plains member who lives along the road to Montana's only operating radioactive waste landfill.

The rulemaking began in 2013, prompted by local residents in eastern Montana. Since that time, citizens made their case to the DEQ through seven rule drafts, three public comment periods, four public hearings, two virtual hearings during COVID-19 quarantine, and comments and testimony from thousands of eastern Montanans.

"I think the rulemaking process was a perfect illustration of how an active, informed citizenry is essential to governance," said Northern Plains member Laurel Clawson.

Oregon Rural Action

Oregon Rural Action's weekly radio show, Acción Rural Hispana has led them to partner with Oregon

Health Authority (OHA). Acción Rural Hispana now features a 20 minute informational segment from OHA representative, Mónica Juárez. Additionally, ORA was awarded a grant from Oregon Health Authority to fund Acción Rural Hispana through June 2021 and they are being supplied with PPE, hand sanitizer, and written informational materials to distribute to farmworkers in Umatilla county.

They plan to capitalize on this organizing and on-the-ground outreach opportunity by adding information on food security resources, and voting information. ORA is continuing their food systems work as one of nine organizations in the Pacific Northwest partnering with Farm Aid in their efforts to distribute monetary aid to farmers currently impacted by COVID-19. Additionally, ORA Organizer, Ana Elisa Wilson, will be speaking at Food & Water Watch's webinar, Mega-Dairies and Environmental Justice.



Powder River Basin Resource Council

Powder River Basin Resource Council kicked off a four-part webinar series, *Reclaiming & Growing Wyoming's Future*, providing education, tools, and resources available for a planned transition to a new, diversified Wyoming economy.

In June, *Wyoming's Reality & Future Opportunities* webinar featured panelists Rob Godby, Associate Dean of the Haub School of Environment & Natural Resources at the University of Wyoming; Sharon Fain, Rocky Mountain Power's Vice President for Wyoming, and Kirk Keysor, Economic Development Representative with the US Department of Commerce's Economic Development Administration.

The second June webinar, *Tools to Diversify Wyoming's Economy*, featured a co-presentation from Jack



Morgan, Program Manager for the National Association of Counties' (NACo) County Innovations Lab and Brett Schwartz,

Associate Director for the National Association of Development Organizations (NADO) Research Foundation. They will feature examples of other coal-reliant communities who have begun transitioning to a new, diverse economy.

The last two sessions, *Securitization: A Finance Tool for Energy Transition and Funding Wyoming's Economic Transition* are scheduled in July. For more information on these webinars, visit www.powderriverbasin.org.

Western Colorado Alliance

Western Colorado Alliance is celebrating victories with the passage of new oil and gas regulations to overhaul the state's requirements for constructing and maintaining oil and gas wells. Among other requirements, the new rules strengthen requirements to prevent wells from leaking into groundwater, require regular testing to monitor the health of the wells throughout their operating life, strengthen pressure testing to ensure wells can withstand hydraulic fracturing operations, and increase transparency by requiring operators and the COGCC to show that new wells won't impact groundwater. They cheered the passage of Colorado's new police reform legislation, which was the focus of an 11th hour push by our Alliance. After the murder of George Floyd, thousands of Western Coloradans took to the streets, joining the nation-wide call for racial justice and policing reform. The bill is the first of its kind in the country and includes critical reforms such as mandatory police body cameras, limitations on the use of teargas and rubber bullets, a ban on chokeholds, and an end to qualified immunity defense in Colorado. Right now, we are also celebrating the passage of the RECLAIM Act in the House of Representatives, and are urging our Senators to champion that legislation in the Senate.



Western Native Voice

Earlier this year Western Native Voice and Montana Native Vote, along with five tribal nations, signed on as lead plaintiffs for a lawsuit against Montana's Ballot Interference Prevention Act (BIPA).

On July 6, 2020 a District Court Judge in Billings struck down the BIPA, which was passed by voters in 2018. BIPA disproportionately disenfranchised Native voters by adding additional requirements for people who vote by mail to cast their ballot. Voters living on tribal lands often live in homes that are geographically isolated from polling centers and do not have access to reliable mail services so they can return their absentee ballots. "The Court finds that BIPA serves no legitimate purpose; it fails to enhance the security of absentee voting; it does not make absentee voting easier or more efficient; it does not reduce the cost of conducting elections; and it does not increase voter turnout," wrote District Court Judge Jessica Fahr. This is a huge win for Indigenous voting rights in Montana especially ahead of the general election.



WORC Stands with Black Lives Matter

The murders of George Floyd, Breonna Taylor, Amaud Arbery, and countless other Black Americans have brought systemic racism and racial violence into the national and international spotlight. This horrendous pattern of police and societal brutality illuminates the normalized, institutional, and systemic racism against Black, Indigenous, and People of Color (BIPOC) in the United States.

Racism and systemic oppression against BIPOC communities have been embedded in the cultural and political fabric of the United States from the beginning. Even after centuries of organizing and civil rights movements, deep institutional racism grounded in white supremacy still exists. Today we are each called to both reckon with our own internally held biases and work to dismantle oppressive systems of power.



The Western Organization of Resource Councils (WORC) is committed to racial justice and equity, and we strive to approach our work through a lens of Diversity, Equity, and Inclusivity.

We recognize that racism exists within our organization and that we have much work to do — as individuals, within our network, and as members of our communities — to confront racism and advance our vision of a democratic, sustainable, and just society.

WORC stands with the Black Lives Matter movement and with BIPOC individuals, communities, and organizations whose experiences and voices have been historically muted.

We invite our members and supporters to also stand in solidarity with the Black Lives Matter movement by putting time, energy, and money into eliminating these systemic injustices.

TAKE ACTION

- ☐ Donate to Black Lives Matter at https://secure.actblue.com/donate/ms_blm_homepage_2019
- ☐ Donate to the Movement for Black Lives at <https://secure.actblue.com/donate/movement-4-black-lives-1>
- ☐ Find Black-led organizing efforts in your area and stand with them.

GET INVOLVED

- ☐ Movement for Black Lives
- ☐ Color of Change
- ☐ National Association for the Advancement of Colored People
- ☐ National Action Network
- ☐ Black Youth Project 100
- ☐ United Negro College Fund
- ☐ Congressional Black Caucus Foundation

For more information on WORC's Diversity, Equity and Inclusion work see our Equity Statement at <https://www.worc.org/equity-statement/>

WORC Fights for a Clean Energy Economic Recovery

WORC's Clean Energy Team is working to engage more Westerners in fighting for a green economic recovery that benefits all people and the planet. This year will be a pivotal moment in the fight for clean and renewable energy, and our groups could have a powerful voice in advocating for the most meaningful policies in this effort.

The COVID-19 crisis has hit the clean energy industry hard, yet federal lawmakers are giving massive bailout money to outdated and struggling fossil fuel companies. The alternative is simple. Support the clean-energy revolution.

Clean energy industries (solar, wind, geothermal, energy efficiency, and storage) already employ more people than fossil fuel industries and are poised to create even more jobs. Also, public support for wind, solar, and energy efficiency developments is sky high with 92% of Americans in support of expanding solar energy and 85% in support of expanding wind power. And finally, each megawatt of clean energy is now regularly cheaper than a megawatt produced by coal or natural gas. In some countries, new solar projects deliver a leveled cost of \$0.03 per kilowatt hour (kWh).

WORC has identified four simple and achievable policy priorities that would be incredibly helpful for the clean energy industry and bill-payers across the US:

1. Expand and Extend Tax Incentives for the clean energy industry.
2. Reinststate a direct payment or incentive reimbursement program.
3. Support energy efficiency programs and incentives.
4. Make renewable energy and efficiency upgrades available to rural and low-income households and businesses.

Finally, to maximize the impact of the recommendations listed above, we argue that programs and funding should focus on traditionally under-served populations first and foremost, including Native American, low-income, rural, and non-white communities. Small and medium-sized businesses should also be prioritized since they are at most risk during this economic crisis, and provide many needed jobs in our rural communities.

WORC wants to engage as many of our members and community members as possible in fighting for these priorities. On May 26th, we hosted a

webinar with four expert panelists who discussed the impacts of COVID-19 on clean energy and the policies that would help the industry thrive in the economic recovery. Almost 125 people from across the West registered for this webinar and many signed up to take action after. You can view the recording of the webinar at <https://bit.ly/GreenRecoveryWebinar>. WORC then set up a template letter for folks to send to their congressional delegation, asking their representatives to support these measures in that economic recovery legislation going forward. This letter is still active on our Action Page and you can go there to send a letter, which you can personalize, directly to your congressional representatives.

The Clean Energy team is working to continue applying pressure on our federal decision makers in the second half of the year. Look for follow up actions to take in the coming months to advance these reforms and support the needed clean energy revolution in the West.

Take Action

www.worc.org/takeaction

- **Defend Clean Energy:** Tell Congress to support a clean energy economic recovery
- **EPA Suspends Environmental and Health Enforcement:** Tell the EPA to Keep Strong Protections
- **Keep Clean Energy Affordable:** Tell the Federal Energy Regulatory Commission (FERC) to Save Net Metering
- **Share our Action Pages on Social Media:** Help us get our voices heard

Historic NEPA Revisions Finalized

At a press conference on July 15th, President Trump announced the publication of a final revision to the National Environmental Policy Act's (NEPA) implementing regulations. While the country reels from skyrocketing coronavirus cases the White House has fast-tracked an effort to undercut environmental and public health protections with a change in rules that gut the nation's bedrock environmental law. Members from across the network turned out to a public hearing in Denver in February to speak out against the proposed rules and have continued to put pressure on CEQ and their members of Congress since.

"The Trump Administration's gutting of NEPA will take a serious toll on the health and safety of those of us in the rural West, at a time when millions of us are sacrificing dearly to protect our health," said Barbara Vasquez, Oil and Gas Team Chair of the Western Organization of Resource Councils, from Cowdrey, Colorado. "The administration's priorities are crystal clear--rubber stamp polluting projects and pump toxins into the air and water while a crisis rages unchecked. We need the protection of thorough environmental and public health review now more than ever."

NEPA has successfully allowed average Americans to voice their opinions on projects in their backyards, allowed for creative solutions and alternatives to potentially controversial projects, and ensured science-informed decision making for the past forty years. Below are just a few examples of the success of NEPA across the Mountain West and Great Plains.

NEPA ENSURES EVERYONE'S INTERESTS ARE CONSIDERED

In 2004, Windsor Wyoming Inc. proposed a seismic survey on land owned by the Bureau of Land Management (BLM), the Forest Service, and private landowners. The environmental analysis called for the drilling of 3,420 seismic shot holes in a 47-mile area surrounding Wyoming's Clark River – the state's only designated Wild and Scenic River.

Under the proposal, explosive charges would be fired into the holes to create a 3-D picture of the area's available resources. After reviewing the draft plan, nearby private property owners represented by Powder River Basin Resource Councils noted that it failed to consider how these explosions would affect scarce water resources, wild game species, hunting opportunities, and private property rights.

This public input led BLM to re-examine the initial environmental assessment and consider the use of a new survey technology called "passive seismic" to mitigate the damaging effects of the explosive charges. Agency officials readily admitted it was public involvement that brought these issues to the forefront and pushed BLM to consider alternatives.

NEPA PROTECTS TRIBAL RIGHTS TO CONSULTATION IN THE BLACK HILLS

Deep in the heart of the northern Great Plains, the pine-covered peaks of the Black Hills rise thousands of feet into the sky along the Montana, South Dakota, and Wyoming borders. To the Lakota people, this land is sacred – the Pahá Sápa is the center of their world. Unfortunately for the Lakota people, the Black Hills are also home to large deposits of gold and uranium ore.

Thanks to NEPA, permits for a proposed uranium mine which would have resulted in pumping radioactive wastewater into several aquifers below the Black Hills was struck down by a federal court in late-2018. While project planning continues, NEPA ensures that Tribes in South Dakota can hold the government accountable when it fails to consult them.

WHAT'S ON THE LINE?

Data shows that NEPA has worked well. Over 99% of federal projects are cleared with minimal environmental assessment. In total, the federal government undertakes approximately 50,000 actions every year that are subject to NEPA review, but only 500 draft Environmental Impact Statements are prepared annually, according to the Government Accountability Office.

NEPA's implementing rules have shaped almost every piece of issue work the WORC Network has engaged in, including but not limited to: coal leasing, siting of Confined Animal Feeding Operations (CAFO's), large-scale oil and gas development, uranium mining, pipelines and right-of-ways, and renewable energy projects. Under the Trump Administration's rules, government agencies could ignore the landscape-scale or global impacts of a project, such as climate change; public participation would be reduced to the lowest legal amount, and complex environmental reviews would be subject to arbitrary time and page limits. The proposal also explicitly allows a project applicant to prepare its own environmental impact statement and removes the prohibition on hiring contractors that have conflicts of interest, such as financial ties to the applicant.

Pavillion Community Still Waiting on a Solution for Clean Drinking Water

Evelyn Griffin has lived in Wyoming since 1965. She currently lives just outside of Pavillion, a town that is home to 232 residents in central-western Wyoming, just east of the Wind River Range and well known for its ongoing controversy surrounding natural gas wells and their impacts on groundwater.

“I like the ability to be able to see far off. We can see the weather changes we have, we can see storms coming in, we can see clear up almost to Shoshone and the canyon when it's nice and clear,” explained Griffin, “and then it's just a free and open space, like we anticipated when we came to Wyoming.” What Evelyn didn't anticipate was that without owning the mineral rights to her land, a company could come on to her land and exploit its resources and there would be very little that she could do about it. When she looks out the window now, Evelyn sees the wells on her property that Encana Oil and Gas Inc. operates. There are 24 wells on her land today.

Those wells are drilled into the Wind River Formation, a complicated sequence of sandstones and channel deposits that are layered on top of each other. The formation is about 3,500 feet thick. Without an impermeable layer to stop gas migration between the gas production zone and the drinking water aquifers, gas wells need to be constructed in a way to protect shallow groundwater wells. Well casings must be lined with concrete down below the bottom of the deepest possible water supply. Any poor casing or gaps between the casing and drill bore allows gas to move freely up the open casing and out into the water-bearing layers, contaminating not only those layers, but all of the layers above as it makes its way to the surface.

During a study, the EPA announced that it had found hydrocarbon contaminants including benzene, naphthalene and phenols, which are known carcinogens, in residents' drinking water wells. Benzene has been linked to

anaemia and birth defects in addition to causing cancer and naphthalene is known to cause liver and kidney damage, and even neurological damage.

Evelyn believes that there is a link between her family's health and the surge of wells on her property. “My husband died of cancer. And to me that's highly suspicious. He developed lumps on his neck, and they broke open and finally he was put under hospice care because there was really nothing else they could do,” said Evelyn.

Today, there are 169 wells in the area surrounding Pavillion. It's where the majority of homes and water wells are located where the water has been deemed unsafe for drinking. As the number and density of wells increased, the water quality decreased.

The Griffins and their neighbors reached out to Powder River Basin Resource Council for help with their water well problems and with the help of Powder River, organized Pavillion Area Concerned Citizens. What they are looking for is a common-sense solution.

“I would like to see Encana cooperate as much as they can with the state and also be in on providing a safe source of water for us. I think Encana should be held responsible for that and for protecting the people and the people's health,” said Evelyn.



Evelyn Griffin at home outside of Pavillion, Wyoming.

Feds to Undermine Public's Rights to Fix Coal Mine Problems

If you live near a coal mine and you notice something wrong at the mine, the federal government would like a letter or phone call from you so it can investigate and fix the issue. At least, that's how things are supposed to work. But in mid-May, a federal official in the Trump Administration announced a new proposed rule. The rule would undermine the public's rights to force coal companies to follow environmental law.

The draft rule would shield state coal mining regulators from federal oversight when a coal company illegally discharges wastewater into nearby streams, blasts without a permit, or fails to reclaim lands disturbed by mining. It would do so by changing when the federal agency tasked with regulating coal strip mining, the Office of Surface Mining Reclamation and Enforcement (OSMRE), exerts its oversight on state mining regulators.



Under federal strip mine law (that is, the Surface Mining Control and Reclamation Act, or SMCRA), whenever OSMRE has reason to believe that a coal company or state regulator is violating the law, OSMRE must issue a "Ten Day Notice" to the responsible state authorities. The Ten Day Notice requires an investigation and report by the state within ten days on the issue and any corrective action taken. Ten Day Notices can be triggered by a federal inspector's observations on a mine site during a routine inspection. A notice can also be sent in response to communication from a mine neighbor who observes or experiences negative impacts from a mine's operations. This is referred to as a "citizen complaint," and it is the key mechanism allowing coal mine neighbors to enforce strip mine law.

The Trump Administration's proposed rule would create a new open-ended process allowing OSMRE officials to postpone issuing Ten Day Notices based on citizen complaints. This is because the rule would require OSMRE officials to consider information from the state regulator pertaining to the situation at hand before issuing a Ten Day Notice. This could allow OSMRE to avoid ever initiating the Ten Day Notice process, potentially depriving mine neighbors of their rights under SMCRA to take the agencies to court.

OSMRE is apparently pursuing this rule now because some state regulators support the rule, perhaps because it would shield their agencies from quick, effective enforcement of the law by OSMRE. The comments from a national organization of mining regulators, the Interstate Mining Compact Commission, were very supportive of the rule change. Unfortunately for the state regulators in support of the rule, its provisions run directly counter to decades of interpretation by administrative judges within the Department of the Interior.

The public got a scant 30 days to comment on this proposal even as many federal agencies extended comment periods up to 120 days due to the Covid-19 pandemic. OSMRE received many comments from concerned Westerners and organizations. The agency will review the comments and issue a final rule this summer or fall. If and when OSMRE finalizes this rule, it could be challenged by a lawsuit on multiple grounds, including its conflicts with conventional interpretations of SMCRA, and perhaps more interestingly, the dubious authority of the undersigned Interior official who promulgated the rule.

There's undeniable political pressure to finalize this rule despite its many flaws. As the agency considers finalizing the rule, let's hope the day is carried by federal government officials who are committed to protecting coal communities and the environment from the negative impacts of strip mining. Even though the official comment period is over, you can still tell OSMRE to drop the rule! Send an email to Dan Cohn at dcohn@worc.org for information on how to take action.

Show your support!
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Small monthly payments go a long way! A small monthly amount is much easier than writing a larger check once a year, and you know you are contributing to building homegrown prosperity throughout the year.

Call us at 406-252-9672 or drop us an email at billings@worc.org and we'll get you set up.

Rosebud Reservation Creates Economic Opportunity Through Food Sovereignty Solutions

Located in South Central South Dakota, the Rosebud Reservation is home to approximately 34,000 members of the Sicangu Lakota Oyate (“Burnt Thigh Nation”), also known as the Rosebud Sioux Tribe. The tribe created the Rosebud Economic Development Corporation (REDCO) in 1999 as a way to separate business from politics. As the economic arm of the Tribe, REDCO’s purpose is to generate revenue and create economic opportunity for the Sicangu Lakota Oyate. This purpose is realized in four synergistic ways: through business enterprises, community development, policy creation, and talent development.

The Sicangu Food Sovereignty Initiative started in 2016 in an effort to give food back to the Sicangu Lakota. Since its inception, the Food Sovereignty Initiative has helped local communities reconnect with healthy food sources.

Growing up on Rosebud, Matt Wilson witnessed many regenerative and developmental groups come in with the goal of helping the Sicangu Lakota Oyate, only to abandon his community. Matt graduated from Todd County High School in 2010. He joined the Food Sovereignty Initiative last year after returning home from Arizona where he worked in education with the Navajo Nation. Similar to his colleagues, Matt works for the Food Sovereignty Initiative through AmeriCorps VISTA, a service program intended to better communities.

“At that time and prior, there wasn’t any sort of food movement going on here,” Matt says. “After I went away to college and came back, I started noticing different things going on.”

The mortality rate of Native people compared to non-native people is staggering. Indian Country has the shortest life expectancy in the U.S., as well as highest rates of heart disease, diabetes, chronic lower-respiratory disease, influenza, hypertension disorder, and cirrhosis.

“Access to food was the first thing attacked in an attempt to remove Native people from the land ... if you think about the history of food systems on Reservations throughout the US, you can get a sense of how important food really is,” said REDCO Food Sovereignty Director REDCO Mike Prate.

The Sicangu Food Sovereignty Initiative is unique because it was created by the Lakota people for the Lakota people.

The clinical definition of food sovereignty is “the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.”

Since its start, the Food Sovereignty Initiative has created specific projects on the Rosebud Reservation to promote the health of the mind and body. The most influential project, The Keya Wakpala Garden, a one-acre teaching and



The Sicangu Food Sovereignty Initiative Staff from left to right: Aaron Mandell, Mike Prate, Edwin Her Many Horses, Rachel Kent, Matt Wilson and Hollis Vanderlinden.

production community garden, grows everything from peppers to pumpkins. This program teaches people about where their food comes from and how to grow it themselves. The Food Sovereignty Initiative also partners with local, educational organizations to teach youth about their traditional foods. The work that the Food Sovereignty Initiative staff does has one goal, empower the Sicangu Lakota to create and utilize sustainable, traditional, value-based food systems in the way communities want them.

“There’s something about this community that makes it special,” Hollis Vanderlinden says. “I’ve lived in other cities and there’s this connection to place and family and nature here that is unlike any other place.”

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ORPHANED OIL AND GAS WELLS: A GROWING CRISIS THREATENS TAXPAYERS, LANDOWNERS, AND THE ENVIRONMENT Examines a crisis of unreclaimed and underbonded oil and gas wells is growing across the West, threatening American taxpayers with liability in the billions and landowners with increasing risk to their land and water.

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2020 EVENTS

DAKOTA RURAL ACTION BOARD MEETING
Brookings, SD.....July 22

NORTHERN PLAINS RESOURCE COUNCIL BOARD MEETING
Billings, MT.....August 8

POWDER RIVER BASIN RES. COUNCIL BOARD MEETING
Casper, WY.....September 18

IDAHO ORGANIZATION OF RES. COUNCILS BOARD MEETING
Boise, ID.....September 19

WESTERN COLORADO ALLIANCE ANNUAL MEETING
Grand Junction, CO.....September 19

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