

# WESTERN ORGANIZING REVIEW

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## New Ag storytelling series

Active in the Western Organization of Resource Councils (WORC) for more than 30 years, Mabel Dobbs has fought bankruptcy, pushed for fair contracts and livestock prices, supported country-of-origin labeling of meat, protested the North American Free Trade Agreement, and worried about the future of agriculture and her ranch.

Now, she's telling her story in WORC's new project, *Homegrown Stories: Farm and ranch families cultivating good food, healthy land and rural vitality*.

*Homegrown Stories* features WORC members who have organized to fight the corporate control and increased industrialization of U.S. food and farms. They are rebuilding local and regional food systems that sustain independent family farmers and feed local communities.

In her story, Mabel, from Weiser, Idaho, describes the market independent ranchers face. She said, "When I married Grant I looked at him and said, 'I don't understand this. How can you work all year long to raise your product and grow your product and go out on the market place and say what will you give me for this?' I grew up in a banking industry where a producer produced whatever their product was, figured their cost of production, added a profit, priced their product and said this is my price. But that's the way it is in agriculture."



One of the most frustrating things in being married to a rancher, and calling myself a rancher, is that fact — that I do not have that control."

*Homegrown Stories* leverages the power of stories to shift the false narrative that a corporate-controlled, industrialized food and farm system is inevitable, better for farmers and rural communities, and the solution to world hunger. The series offers a new narrative for the vitality of rural communities — one in which the food and farming system is based on democratic values and honors the health of families, the land, and rural communities.

The series uses a website to tell the stories through photographs, videos, and text-based interviews of family farmers and ranchers. The project will spread these stories through Facebook, Twitter, Instagram, and WORC's website and newsletters.

*Homegrown Stories* launches in January 2018 at [www.homegrownstories.org](http://www.homegrownstories.org). For more information, contact Kevin Dowling at [kdowling@worc.org](mailto:kdowling@worc.org).

### IN THIS ISSUE:

The View from WORC .....	2
Re-negotiate country-of-origin labels into new NAFTA.....	3
Around the Region .....	4
One step forward for coal, two steps back.....	6
Pruitt puts clean power plan on the chopping block.....	8
USDA drops ranchers' protection against unfair meatpacker practices .....	9
Congressional Scorecard.....	10
Methane standards fight continues .....	14
Living with Oil and Gas.....	15

# The View from WORC

By Beth Kaeding, WORC Chair

I am deeply honored to have been elected Chair of WORC. It is a big responsibility, and I will do my best to meet the challenge. I live in Bozeman and have been an active Northern Plains Resource Council member for 25 years, serving as chair 2008-2009. I have spent much of my time with Northern Plains working on coal-related issues.

Linda Weiss, our vice-chair, is a former chair of Dakota Resource Council and has long worked on agriculture and oil-and-gas issues. Mitch Wolgamott, our secretary/treasurer, is active in Oregon Rural Action. He focuses primarily on agriculture, in general, and the effects of factory farms on groundwater.

WORC brings together and helps coordinate the work of our eight state grassroots community organizations. Collectively in 2017 we accomplished many great things. From winning the court rulings that struck down the Bureau of Land Management's and Environmental Protection Agency's illegal suspensions of our hard-fought-and-won methane standards to defeating a Senate resolution that would have suspended the BLM's methane-waste-prevention standard.

WORC's involvement (with Powder River Basin Resource Council) in bankruptcy court proceedings for certain Wyoming coal companies helped ensure the replacement of \$2.4 billion of self-bonds with third-party-guaranteed bonds for mine reclamation. WORC prepared another of its acclaimed reports, *Too Good To Be True*, which focuses on the failures and obstacles facing carbon-capture-and-sequestration technology.

WORC helped defeat the Trans-Pacific Partnership trade agreement and will soon launch *Homegrown Stories*, a multimedia story project featuring members who are creating a food-and-agriculture system that benefits people and communities. We have been so very busy.

But, our work never seems to be done. In 2018 we will continue to ensure that coal companies put up adequate bonds for reclamation, and we will begin some exciting new work to ensure there is a just economic transition in coal-dependent communities.

We will continue to defend the methane standards and advocate for stronger state and federal policies on the waste produced from oil-and-gas exploration and production. We will oppose the proposed rollback of the Wind Protection Tax Credit and the repeal of the Clean Power Plan.



*Beth Kaeding*

## 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 38 local chapters. WORC helps its member groups succeed by providing trainings and coordinating regional issue campaigns.

## WORC's NETWORK

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

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



# Re-negotiate country-of-origin labels into new NAFTA

Commentary by Philip "Wink" Davis

When we heard President Donald Trump on the stump criticizing the North American Free Trade Agreement (NAFTA) as the "worst trade deal ever," it sounded pretty good to us. For decades, the Western Organization of Resource Councils, and allied grassroots organizations, have pointed out the economic, social, environmental, and political failings of recent trade deals, including NAFTA. American trade policy should strengthen, not weaken, the health, environment, food sovereignty, working conditions, labor rights, and transparent, competitive market principles of this country and of all countries.

Farmers and ranchers were promised free trade agreements like NAFTA would increase U.S. exports, improve farm income, and thus help keep family farms thriving. The outcomes have often been the opposite: agricultural imports have surged and for some commodities exports slowed. For example, imports of beef and live cattle have far outweighed the small increase in U.S. exports, increasing the U.S. trade deficit by almost \$2.5 billion. Since NAFTA, the U.S. has lost nearly one out of every ten small and mid-scale family farms, according to Public Citizen's Global Trade Watch. Many of these deals also resulted in major manufacturing job loss, eliminating critical non-farm income for rural families.



Farmers, ranchers, and consumers need only look to Country of Origin Labeling of meat (COOL) to make our point. Ranchers like COOL because they are proud to let consumers know that their meat is born, raised, finished, and processed in the United States. Consumers like COOL because they want to know where their food comes from. The big multi-national meatpackers don't like COOL because their objective is to consolidate control over the supply of live cattle, depress the market price for cattle, and increase their profits.

NAFTA was the first trade agreement to include the corporate power grab known as the Investor State Dispute Settlement (ISDS) provision. Under ISDS, corporations have equal status with nations in enforcing these agreements, and, if they are able to convince their cronies at the World Trade Organization that they have been harmed by, for instance, a buy-local or labeling rule, they can recover not only compensation for any actual loss but also for lost future revenues that they hoped to earn. This preposterous idea demonstrates the extent of corporate influence in these negotiations.

In 2015, multi-national corporate meatpackers used the threat of lawsuits based on NAFTA's ISDS provision to force Congress to repeal COOL for meat, despite widespread public support for the labels.

So where do negotiations stand? There is a proposal to make ISDS voluntary — essentially ending the provision. Buy American campaigns and local procurement requirements might be protected, and rules requiring minimum U.S. content in items claiming "Made in America" could be strengthened. These potential revisions would help U.S. farmers and workers. Or, negotiators could drop these revisions in favor of the status quo.

Congress has to vote on whatever proposal comes out of the negotiations, and our best shot at influencing the outcome is to let our Congressional representatives know what we, their constituents, want to see in a new NAFTA. Negotiations are set to ramp up again after the first of the year with the sixth round of talks scheduled in Montreal, Canada, January 23-28.

We must insist that a new NAFTA protects buy-local campaigns, reinstates COOL, gets rid of ISDS, and protects American families by ending incentives for corporations to outsource jobs. Stay tuned for more opportunities to take action.

*Philip "Wink" Davis owns Mesa Winds Farm & Winery in Hotchkiss, Colo. He chairs WORC's Agriculture and Food Campaign Team and is a member of the Western Colorado Congress.*

# Around the Region

## A look around WORC's network

### Dakota Resource Council

Dakota Resource Council members are challenging confined animal feeding operations (CAFO) in North Dakota. Rolling Green Family Farms LLP is planning a 9,000 hog factory in western Cass County, near Buffalo. Pipestone Systems and Grand Prairie Agriculture LLP are proposing a 3,300 hog factory on the northern shores of Devils Lake in Ramsey County.



A 2006 study found that factory farms can lead to health problems for nearby residents, contaminated water tables, decreased property values, and a poorer economic outlook for communities.

### Dakota Rural Action

Dakota Rural Action's Rural Vitality Committee held a workshop on confined animal feeding operations (CAFO) on Nov. 30 in Sioux Falls, S.D. The *CAFO Information & Dialogue Forum* provided elected and appointed county and tribal officials with sessions covering permitting, public health, legal issues, water quality, and odor.



The forum attracted 54 participants from 14 counties and two tribes. The Co-op Natural Foods catered a local foods lunch of pasture pork sandwiches, squash, and pasta salad. The Rural Vitality Committee is considering a second workshop in the spring.

### Idaho Organization of Resource Councils

The City of Fruitland, Idaho, center of the state's emerging oil and gas industry, has proposed an oil and gas ordinance to regulate activities within city limits. The

### Idaho Organization of Resource Councils

planning and zoning commission passed the ordinance on Nov. 14 with amendments, including improving the 300-

feet setback from occupied structures to 600 feet and from schools, hospitals, and churches to 1,200 feet.

On Dec. 11, the Fruitland City Council rejected the amended ordinance, acknowledging the response by the Idaho Organization of Resource Councils (IORC) and the public. Heeding comments by IORC, the council cited the need to do further research and consider changes to strengthen the ordinance. IORC members wrote letters, participated in hearings, and testified. Members will continue to push for more opportunities for public involvement and to make even more improvements to better protect the people of Fruitland.

### Northern Plains Resource Council

For the last four years, the Northern Plains Resource Council has worked to get the State of Montana to issue protective standards around radioactive oil waste disposal. The state has none, and radioactive oil waste is largely



exempt from federal oversight. As other states have developed rules, Montana has become an attractive target for disposal. The facility in Glendive, Mont., has accepted more than 253,000 tons of radioactive oil waste to date. Several other facilities have permits in eastern Montana.

Northern Plains pushed Montana's Department of Environmental Quality to issue draft standards and engaged affected people through the state's public comment period. Northern Plains generated over 800 comments from concerned Montanans. Equally important, Northern Plains submitted technical comments to make the standards stronger. Northern Plains will keep pushing to make sure that eastern Montanans have additional safeguards in place for their land, water, and livelihoods.

### Oregon Rural Action

Eastern Oregon residents are questioning the need for a proposed 500-kilovolt power line. One such resident is Norm Cimon, a member of Oregon Rural Action (ORA). In his comments to the Oregon Public Utility Commission, he cited the national decline in electric demand and ten years of flat sales by Idaho Power, one of the sponsors of the line.

The electric utility serves the state of Idaho and parts of Malheur County in Oregon, the home of ORA's Snake River Chapter. Despite a growing population, Idaho Power's electric demand has easily been met by energy efficiency and power from renewables, according to Idaho Power's own figures. Nevertheless, the utility is asking both Idaho and Oregon to permit the line which would extend about 300 miles from Boardman, Ore., to the Hemingway Substation in southwestern Idaho.



Utilities do not make most of their profit from power sales, which are tightly regulated. They are, however, entitled to a guaranteed rate of return for anything they build. Cimon believes the company's push for continued large infrastructure investment and the money that allows them to extract from ratepayers are driving this proposal. "That was their ticket for a long time," he says. "Now it has them on a treadmill."



### Powder River Basin Resource Council

Over 150 ranchers, farmers, producers, and agriculture students took part in *Regenerative Landscapes*, a soils health workshop hosted by the Powder River Basin Resource Council and other organizations on Nov. 10. Award-winning regenerative farmer Gabe Brown discussed soil function and principles for achieving a healthy soil profile. Then he shared his experiences with direct marketing and "stacked enterprises," which he described as adding new revenue streams on top of existing ones. For example, Brown's ranch stacks livestock enterprises by raising multiple species on the same land base.

Brown said he strives "to grow with their clientele" to offer the range of products customers want. Brown's operation sports its own label, "Nourished by Nature." His family operates 17 enterprises, including grass-finished beef, lamb and pork, eggs, heirloom vegetables, cut flowers, and honey. Gabe direct-markets his products, which means he interacts with his customers and sets his own price. "We need to get back to knowing our farmer or rancher," he said. "We have an open-door policy at the ranch, and we are not going to do anything on our ranch to jeopardize our customer's trust."

### Western Colorado Congress

Over 200 people showed their support for the 2017 Dream Act on Nov. 28 by attending the *Inside Out Dreamers Project* in Grand Junction. Participants took their picture in the Inside Out photo truck, then watched as it was pasted on the side of a downtown building. Since President Trump's announcement on Sept. 6 that he would end the Deferred Action for Childhood Arrivals (DACA) program, Western Colorado Congress (WCC) has worked with allies to rally support for these young "Dreamers"



who were brought to the United States as children. WCC co-sponsored the Inside Out event with the Colorado Immigrant Rights Coalition, Hispanic Affairs Project and Organizing For Action Grand Junction.

Following the event, several WCC members hand-delivered over 300 signed postcards to Congressman Scott Tipton's Grand Junction office. The postcards urged Tipton to support the passage of Clean Dream Act before the end of the year.

### Western Native Voice

On November 13 & 14, 2017, Western Native Voice hosted Native leaders at a two-day event, *Indigenous Movements Interchange*, at Fairmont Hot Spring Resort, along with partner organizations Montana Native Voice and Indigenous Environmental Network. Discussions centered on the exploration, collaboration and strategic planning in the areas of Healthcare, Economic Development, Environment and Culture.



*Indigenous Movements Interchange* was born out of the need to identify and bring together community leaders, traditionalists, youth advocates, program professionals, and social justice advocacy organizations that work to address and create solutions

to issues that vex Montana's Native communities and rural areas.

Event organizers envisioned this platform would provide the opportunity to create lasting friendships and professional coalitions of current and future leaders. Participants were able to celebrate individual and collective achievements, as well as organize for future work and collaboration.



# One step forward for coal, two steps back

For every step forward in 2017, the coal industry saw at least two steps backward. The slow unraveling of the industry will take time, but each passing month begs certain questions about the future more and more urgently.

Will coal communities and mining counties remain viable places to live, work, and recreate? Will coal mine workers and retirees be taken care of by their employers, or left in the lurch? Will strip-mined land be fully reclaimed, and will cleanup work offer an opportunity for former coal miners after mining has ended? Are elected officials equipped and determined to face a changing economy where fossil fuel revenue streams must be supplemented?

Powder River Basin Resource Council member Marcia Westkott of Sheridan, Wyo., captured the situation well in a letter to the editor of the *Casper Star-Tribune* regarding economic diversification:

“Dependence on a single category of income is risky and short sighted. What is needed is a bold commitment to invest in the changes required to create a diversified, robust economy. Thinking and investing differently. Thinking and investing differently requires redistributing our excessive reliance on mineral extraction and taking concrete steps to implement a truly diverse economy.”

The need to develop a new vision for coal country is urgent. This is only reinforced by taking stock of the last year, which saw big swings between highs and lows for the coal industry.

In 2017, we saw a “U-turn” on federal coal policy from the new administration. The U.S. Chamber of Commerce put out a slide-deck in late September tallying the regulatory rollback unleashed by the Department of the Interior, the White House, and Congress. Of the eighteen policies listed, all but one are crossed out with a big red “X” or ominously labeled “Under Review.” The new Administration has certainly taken aim at nearly every health, safety, and environmental protection related to coal mining and burning. What’s unclear is whether it’s having any discernible benefit to the industry.

What’s not mentioned in the Chamber’s presentation are two new proposals to subsidize the coal industry. Energy Secretary Rick Perry petitioned the Federal Energy Regulatory Commission to adopt new rules to force electricity consumers in some regions of the country to pay extra high electric bills, allowing their utilities to stockpile more coal at power plants than they need. The measure purports to firm up grid “resiliency,” never mind that the vast majority of power outages are from downed power lines, not insufficient fuel.

Lots of folks recognize that the problem is electricity distribution, not energy production, including scientists at Perry’s Department of Energy. They came to that conclusion in a report Perry commissioned on the subject. No surprise then that the proposal is broadly opposed as wrong-headed, including by utility companies that would benefit from the policy.

But that hasn’t stopped coal companies, who have long complained that wind and solar power, technologies just leaving their infancy, receive tax breaks. News broke in early December that coal industry lobbyists are seeking a \$65 billion tax credit giveaway for coal-fired power plants. The apparent goal is to keep old, soon-to-retire facilities up and running, delaying the inevitable. No related legislation had been introduced at the time of writing.

The two subsidy efforts seem to respond to what’s referred to as the “new normal” for coal: fewer tons dug up than last year, more retirements of customer power plants. In fact, the Chamber’s slide-deck referred to shrinking coal demand this way: “Flat is the new ‘up.’” The Energy Information Administration estimated no rise in coal production through 2040, which is an optimistic scenario, according to other experts.

The Chamber’s list of regulatory rollbacks obscures the losses that simultaneously racked up for the coal industry in 2017. Coal export from Montana is up this year, but the export terminal proposed for Longview, Wash., received four significant adverse regulatory decisions in 2017, including denials of key permits. Although the company has lodged appeals, the hill to victory is steep.

Federal coal regulators seem poised to end efforts to firm up standards for self-bonding, the unenforceable “I.O.U.” for mine cleanup available to coal companies that appear to be “too big to fail.” At the same time, Wyoming regulators

are proposing to enact stronger standards, in a state where \$2.2 billion of self-bonds were recently replaced with more dependable assurances by bankrupt companies, including Peabody Energy, Arch Coal, and Alpha Natural Resources.

Westmoreland Coal Company seems poised for bankruptcy. It carries substantial debt and has lost key customers. After the company's stock price crashed from \$18 per share last January to hover near \$1, the company's board of directors replaced the company's CEO in late November. Westmoreland's mostly unionized workforce is surely wondering when the next shoe will drop, as bankruptcy judges have the power to void collective bargaining agreements.

To stay solvent, some coal companies are leaving the Powder River Basin. Contura Energy recently announced a deal to sell its two Wyoming mines to a relatively unknown entity called Blackjewel, after losing money running the mines this year. The company's principal brings a soiled track-record from Appalachia, including the forced shut down of mines due to flagrant violations of the law. Blackjewel is set to acquire Contura's mines for theoretical royalties to be paid in the future, while Contura is poised to shed massive liabilities from its books.

Finally, this year saw withdrawals or indefinite postponements of nearly 65% of all pending federal coal leases. That adds up to 1.6 billion tons of coal that coal companies said they wanted to buy at one point in time. Despite the administration's aggressive rhetoric around increasing domestic energy production, the federal coal leasing program continues to respond to economic reality.

If you believe that administration's attempts to save the industry are likely to succeed, Cloud Peak Energy's message to investors may surprise you. In the longer-term, the company is less than certain that the Trump administration can save domestic coal demand. That's because some observers point out that too much coal is being mined for a shrinking market, which keeps coal prices low and mining companies struggling. Even though recent bankruptcies have erased billions of dollars of debt from company balance sheets, demand for coal continues to decline as coal-fired power plants shut down left and right, edged out of the market by cheap wind and gas.

As the market for coal shrinks, some mines must eventually close. With nearly all mines losing customers, mines with highest production costs will likely succumb to being underbid by lower-cost competitors. As we saw with the wave of bankruptcies, the collapse can be sudden. Where is the plan for coal country?



Members joined with allies in October to round up support in Congress for the RECLAIM Act, a bill to fund cleanup of abandoned coal mine sites. From left: Earl Tulley of Diné CARE, Gene Wirtz of Dakota Resource Council, Lori Goodman of Diné CARE, Roger and Tina Carver of Western Colorado Congress, and Kate French of Northern Plains Resource Council.

# Pruitt puts Clean Power Plan on the chopping block

The strongest carbon pollution rule in U.S. history is in trouble. The Environmental Protection Agency (EPA) under Scott Pruitt is in the midst of scrapping the Clean Power Plan (CPP), a policy written under the Obama Administration that would have decreased carbon pollution from the electric power sector by 32% by 2030.

“We are disappointed that the EPA decided to prioritize marginal corporate profits over public health,” said Christy Gerrits, Board Secretary of Powder River Basin Resource Council from Gillette, Wyo. “The Clean Power Plan was grounded in good science and good law, and it was supported by citizens and businesses from around the country, including here in Wyoming.”

Though the plan didn’t target coal plants explicitly, mining interests and trade organizations representing carbon-heavy utilities criticized the CPP for its forecasted effect on coal — by far the most carbon-intensive fuel source.

Repealing the CPP doesn’t require an act of Congress, but it is more complicated than crossing it out with a stroke of the President’s pen. According to the Administrative Procedures Act, the EPA has to carry out a full rulemaking process — with public involvement — to repeal a final rule. And even with a new rulemaking process, the EPA has a statutory obligation to regulate carbon dioxide pollution under the Clean Air Act and a formal Endangerment Finding concluding that increased atmospheric CO<sub>2</sub> poses a danger to public health.

Nevertheless, the Trump administration is forging ahead. The President mandated a review of the CPP in a March Executive Order. After completing the review, Pruitt signed a notice in the Federal Register in October to initiate a rulemaking process to repeal the CPP. That notice opened a public comment period that closes January 16 and includes a hearing in Charleston, W. Va., along with three “listening sessions” in Gillette, San Francisco, and Kansas City, Mo. Before these meetings had concluded, Pruitt announced yet another rulemaking process to replace the CPP with a new and different rule. A “regulatory roadmap” released by the White House estimates a full withdrawal of the CPP in October of 2018.

WORC members have already submitted comments on the proposed repeal, and members from Wyoming and Montana are planning to turn out to the listening session in Gillette.

One of those members criticized the Administration’s policy preferences for polluting fossil fuels over renewable energy. “Clean energy is one of the fastest growing sectors of the American economy, boosting manufacturing and employment with numbers unmatched by nearly every other economic sector,” said Ben Reed, a Northern Plains Resource Council member and energy developer from Billings, Mont.

Despite the administration’s efforts, electricity markets continue to support clean energy. An analysis by the research firm Rhodium Group found that electricity emissions are on track to fall roughly within the range of what the Clean Power Plan envisioned, even without the force of the rule. Wind and solar comprised more than 60% of new utility-scale generating capacity added in the United States in 2016, and this shift is likely to continue.

Estimated % of adults in WORC states who support setting strict CO<sub>2</sub> limits on existing coal-fired power plants, 2016

Colorado	69%
Idaho	65%
Montana	64%
North Dakota	58%
Oregon	71%
South Dakota	66%
Wyoming	55%
National	69%

Source: Yale Climate Opinion Maps

## PRINCIPLES OF COMMUNITY ORGANIZING WORKSHOP

March 21-24, 2018  
Billings, Montana

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

Travel and lodging  
scholarships are available  
to qualified members



# USDA drops ranchers' protection against unfair meatpacker practices

**O**n Oct. 17, the U.S. Department of Agriculture (USDA) announced the withdrawal of the Farmer Fair Practices interim final rule on competitive injury and that it would take no further action on the proposed unfair practices and undue preferences rule.

These rules included essential safeguards to restore fairness for producers seeking justice under the Packers and Stockyards Act. Under the interim final competitive injury rule, ranchers contesting unfair meatpacker contracting and buying practices would not have to prove a practice harms the whole market to prove the practice is unfair. The proposed unfair practices and undue preferences rule would have established a list of illegal behaviors, such as manipulating scales and retaliating against producers for talking to their elected representatives.

This is a setback for WORC, whose members fought for implementation of these rules for the past decade.

“We are disappointed that USDA will continue to let the big meatpackers use unfair practices to harm independent producers,” said Mabel Dobbs, a rancher from Weiser, Idaho, and WORC member. “To require a rancher to prove harm from an unfair practice to the entire industry is nearly impossible. That is not what Congress intended when it passed the Packers and Stockyards Act.”

The rules are important to independent ranchers because four big meatpackers control over 85 percent of the beef market. This control enables the packers to dictate the terms of production, marketing and pricing for cattle producers.

“A rancher needs access to the courts when meatpackers step over the line. This rule would have given the rancher a fair opportunity to right a wrong,” Dobbs said.

WORC will continue to work with allies to identify a way forward to restore fair and competitive livestock markets.



# Congressional Scorecard

## 115th Congress (2017)

### Constants hold true despite change of power in Washington

As the first session of the 115th Congress comes to a close, several trends continue despite the change of power in Washington. Chief among those constants are partisanship and gridlock, which combine to frustrate most legislative efforts. For WORC, those frustrations are a mixed bag: while our policy priorities are often held up in Congress, so are those of the fossil fuel companies and agribusiness corporations that oppose our agenda.

With a single party in control of Congress and the White House, we entered the year expecting legislative action in 2017. But Congressional gridlock has held strong. With only a slim Republican majority in the Senate (52-48) and the potential for filibusters, 2017 saw another long-term trend continue: House-passed bills were stalled or voted down in the Senate. This led WORC to include twice as many House votes as Senate votes in the scorecard.

Of six pieces of legislation in the scorecard, only one became law. (We also scored a single agency nomination this year, which passed.) That law was a repeal of the Stream Protection Rule using the Congressional Review Act (CRA) that allowed the Senate to pass the bill with a lower vote threshold than would otherwise have been required. The CRA was a major feature of Congress in the first half of 2017, but its power to repeal Obama-era rules with support from only 51 Senators expired in the spring.

Our biggest and most dramatic legislative victory of 2017 involved defeat of the CRA resolution in the Senate to repeal the Bureau of Land Management's rule requiring oil and gas producers to limit flaring, venting and leaks of gas from wells pumping federal minerals, otherwise known as the "BLM methane waste rule." The resolution failed by a single vote, thanks in large part to the work of Dakota Resource Council and Fort Berthold Protectors of Water and Earth Rights (POWER) on North Dakota reservations that helped to convince Senator Heidi Heitkamp (D-ND), one of the last undecided votes, to vote "no."

The Senate majority is even tighter as we enter 2018 after a special election in Alabama flipped a seat from red to blue. That means we can expect more partisanship and gridlock as Republican majorities try to capitalize on their power and Democrats try to stop them.

### Help us continue the fight in 2018

We face a tough fight ahead. But with your support we are ready to face the challenges. Your support allows us to send directly affected Westerners to Washington, DC to talk to our representatives in Congress and federal agencies about how the decisions they make impact our lives out West.

You can give three ways:

1. Visit our website at [www.worc.org](http://www.worc.org) and click the donate button in the upper right corner,
2. Mail a check to WORC, 220 S 27th Street, Suite B, Billings, MT 59101, or
3. Consider becoming a monthly donor. Small monthly donations go a long way! Email us at [billings@worc.org](mailto:billings@worc.org) and we'll get you set up.

*Contributions to WORC can be used for grassroots lobbying and are not tax deductible.*

# Senate

## S1: Stream Protection Rule

Sen. Johnson (R-OH) offered a resolution under the Congressional Review Act to nullify a rule written by OSMRE to regulate the impact of coal mining activities on surface and groundwater resources. The Senate approved this vote 54-45 (2017 Senate Roll Call Vote #43). A “+” is a no vote, in favor of WORC’s position.

## S2: Confirming Scott Pruitt as EPA Administrator

This confirmation passed 52-46, making Scott Pruitt the Administrator of the Environmental Protection Agency (2017 Senate Roll Call Vote #71). A “+” is a no vote, in favor of WORC’s position.

## S3: BLM Methane Rule

A resolution under the Congressional Review Act to nullify a rule written by BLM to limit the waste of publicly-owned natural gas. The BLM methane rule requires oil and gas companies to capture and sell methane emissions at wellheads pumping federal oil and gas resources. This resolution failed in the Senate on a 49-51 vote (2017 Senate Roll Call Vote #125). A “+” is a no vote, in favor of WORC’s position.

		S1 Stream Protection Rule	S2 Confirmation of Scott Pruitt	S3 BLM Methane Rule	Score
CO	Bennet (D)	+	+	+	100%
	Gardner (R)	-	-	-	0%
ID	Crapo (R)	-	-	-	0%
	Risch (R)	-	-	-	0%
MT	Tester (D)	+	+	+	100%
	Daines (R)	-	-	-	0%
ND	Hoeven (R)	-	-	-	0%
	Heitkamp (D)	-	-	+	33%
OR	Wyden (D)	+	+	+	100%
	Merkley (D)	+	+	+	100%
SD	Thune (R)	-	-	-	0%
	Rounds (R)	-	-	-	0%
WY	Enzi (R)	-	-	-	0%
	Barrasso (R)	-	-	-	0%



# House of Representatives

## H1: HR 26 - REINS Act

Regulations of the Executive In Need of Scrutiny Act. This bill requires Congressional approval for all new major regulations promulgated by agencies in the Executive Branch. The bill passed the House on a 273-187 vote (2017 House Roll Call Vote #23) but failed to pass the Senate. A “+” is a no vote, in favor of WORC’s position.

## H2: HR 38 - Stream Protection Rule

The first of several resolutions introduced under the Congressional Review Act, a legislative tool that allows Congress to use expedited procedures in order to nullify rules written within the last 180 legislative days of the prior Administration. The CRA nullified the Stream Protection Rule, which was written to protect surface and groundwater resources from certain coal mining activities. This resolution passed the House on a 228-194 vote (2017 House Roll Call Vote #73) and was later signed into law. A “+” is a no vote, in favor of WORC’s position.

		H1 REINS Act	H2 Stream Protection Rule	H3 BLM Methane	H4 BREATHE Act	H5 Pipeline Act	H6 Appropriations EPA Methane	Score
CO	DeGette (D)	+	+	+	+	+	+	100%
	Polis (D)	+	+	+	+	+	+	100%
	Tipton (R)	-	-	-	-	-	-	0%
	Buck (R)	-	-	-	-	-	-	0%
	Lamborn (R)	-	-	-	-	-	-	0%
	Coffman (R)	-	-	-	-	-	-	0%
	Perlmutter (D)	+	+	+	+	+	+	100%
ID	Labrador (R)	-	-	NV	NV	NV	-	0%
	Simpson (R)	-	-	-	-	-	-	0%
MT	Zinke (R)	-	NV	NV	n/a	n/a	n/a	0%
MT	Gianforte (R)	n/a	n/a	n/a	-	-	-	0%
ND	Cramer (R)	-	-	-	-	-	-	0%
OR	Bonamici (D)	+	+	+	+	+	+	100%
	Walden (R)	-	-	-	-	-	-	0%
	Blumenauer (D)	+	+	+	+	+	+	100%
	DeFazio (D)	+	+	+	+	+	+	100%
	Schrader (D)	n/a	+	+	+	-	+	80%
SD	Noem (R)	-	+	-	-	-	-	0%
WY	Cheney (R)	-	-	+	-	-	-	0%

### H3: HR 36 - BLM Methane

Congressional Review Act Resolution nullifying the BLM's Methane Waste Prevention Rule. This bill was a resolution introduced under the Congressional Review Act, a legislative tool that allows Congress to use expedited procedures to nullify certain rules finalized during the Obama administration. The BLM methane rule requires oil and gas companies to capture and sell methane emissions – as opposed to wasting them by venting and flaring – at wellheads pumping federal oil and gas resources. This resolution passed the House on a 221-191 vote (2017 House Roll Call Vote #78) but failed to pass the Senate. A “+” is a no vote, in favor of WORC's position.

### H4: HR 806, Amendment 201 - BREATHE Act

Rep. Polis (D-CO) offered this amendment to a piece of legislation written to delay air quality standards for ozone. The amendment would treat separate emissions from clustered oil and gas wells as a single aggregate source of air pollution and would add hydrogen sulfide to the list of hazardous air pollutants. The amendment failed on a 186-242 vote (2017 House Roll Call Vote #388). A “+” is a yes vote, in favor of WORC's position.

### H5: HR 2910 - Natural Gas Pipelines Act

This bill was intended to streamline permitting for natural gas pipelines by empowering FERC as the lead agency in all natural gas pipeline permitting decisions and putting guardrails on other agencies' NEPA processes. The bill passed the House on a 248-179 vote (2017 House Roll Call Vote #402) but failed to pass the Senate. A “+” is a no vote, in favor of WORC's position.

### H6: HR 3354, Amendment 368 - Appropriations - EPA Methane

Rep. Mullins (R-OK) offered this amendment to a House appropriations package for DOI and EPA. The amendment would have prohibited EPA from using any funds to implement the agency's methane waste prevention rule. This would have effectively eliminated the rule. The amendment passed on a 218-195 vote (2017 House Roll Call Vote #488) but the Appropriations bill failed to pass the Senate after clearing the House. A “+” is a no vote, in favor of WORC's position.

## Career Opportunities in the WORC Network

### Northern Plains Resource Council

- Communications Director
- Political Organizer/Political Organizing Director

### Western Colorado Congress

- Community Organizer
- Office Manager

### WORC

- 2 Regional Organizers

For more information visit  
[www.worc.org/who-we-are/career-opportunities](http://www.worc.org/who-we-are/career-opportunities)

# Methane standards fight continues

Organizing efforts on federal methane standards kept WORC and its member groups busy throughout 2017. WORC beat the Trump administration in Congress and the courts. Without the work of WORC and the member groups, the methane rules could be wiped out by now. Members and staff should celebrate the fact that both the methane rules by the Environmental Protection Agency (EPA) and the Bureau of Land Management (BLM) have, for the most part, made it through 2017.

So what is the status of these standards?

## EPA methane standard

On Nov. 8, 2017, EPA issued two Notices of Data Availability to justify delaying the rule and request comments on proposed changes. The notices gave new information on EPA's authority to stay the rule, "technological, resource, and economic challenges with implementing fugitive emissions requirements," and an updated cost-benefit analysis of delaying the rule. EPA took comments until Dec. 8, 2017, leaving the rule in effect for at least another 30 days, pending EPA publishing a final rule. This means that a rescission or replacement rule could come as soon as January.

## BLM methane standard

WORC is part of three lawsuits on the BLM methane rule — one in Wyoming District Court and two suits in the 9th Circuit Court of Appeals. In the Wyoming suit, WORC is intervening to oppose an industry lawsuit aimed at undermining the legal authority of the BLM rule.

In the first court case in the 9th Circuit, WORC and allies challenged and overturned Interior Secretary Ryan Zinke's executive suspension of the rule without proper process. BLM has appealed the decision. The second suit challenges Zinke's suspension of the BLM methane rule after Zinke followed proper procedure. Several conservation groups joined WORC's suit. California and New Mexico also filed.

On the administrative side, BLM published a final rule on Dec. 8 delaying the 2018 provisions until 2019. In addition, the rule rescission or replacement is at the White House Office of Management and Budget and will likely be released in draft form in January. WORC expects BLM will hold hearings and at least a 60-day comment period.

## Litigation involving WORC

### *District of Wyoming Suit (Industry Challenge of Rule):*

- On Oct. 30, 2017, the District of Wyoming agreed to a Trump administration request to delay litigation as BLM goes through its rulemaking process to repeal, revise, or rescind the rule pursuant to Executive Order 13,783.
- In the last week of November 2017 environmental groups filed a request with the District of Wyoming to reject the preliminary injunction requested by industry groups on Oct. 27, 2017.

### *9th Circuit Lawsuits (Executive Stay Challenge and Rule Suspension Challenge):*

- On Oct. 4, 2017, the Northern District of California determined BLM's June 15, 2017 postponement was unlawful, and the Jan. 17, 2018 compliance date stands for the provisions that are to be phased in then. The court determined that BLM improperly postponed a rule that was in effect.
- On Dec. 4, 2017 BLM appealed the Northern District of California decision.
- On Dec. 19, WORC, along with conservation groups, and the states of California and New Mexico filed suits in the 9th Circuit challenging the official suspension of the BLM methane rule. WORC also filed a preliminary injunction urging the court to put the rule back into effect.

So what is next?

WORC expects to see a rescission or replacement standards from the BLM and EPA. And there are the battles in the courts. Zinke and the Trump administration don't seem to be letting up, but with your help WORC will win.



# Living with Oil and Gas



“My interest in what was going on at the protest camp was definitely based mostly in my concerns about environmental racism and really less so about the actual environmental issues, though I think that environmental issues are also really important. For me, it was more about how to pipeline was moved from north of Bismarck to right next to the Standing Rock Sioux Tribe.”

-Brian McGinness, Mandan, ND



“The pollution in the area [Grand Junction] can be attributed to two main factors: growth causing more automobile pollution, and oil and gas development. I particularly noticed a change in the air quality around 2000, when oil and gas development in the area significantly increased. It wasn’t just winter inversions anymore; it was also bad air days in the summer. I started doing some research into the pollution from oil and gas development and found that oil and gas practices like flaring and venting release methane that contributes to ozone. Grand Junction is very close to violating federal ozone standards as a result.”

-Kristin Winn, Grand Junction, CO

# WORC

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## PUBLICATIONS

### ***TOO GOOD TO BE TRUE: THE RISKS OF PUBLIC INVESTMENT IN CARBON CAPTURE AND***

***SEQUESTRATION*** Pulls back the curtain on the role of CCS is likely to play in reducing global greenhouse gas emissions and profiles the difficulties that companies have encountered in designing carbon capture plants

***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

***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](http://www.worc.org)

## 2018 EVENTS

DAKOTA RESOURCE COUNCIL BOARD MEETING  
*Bismarck, ND.....January 13*

POWDER RIVER BASIN RES. COUNCIL BOARD MEETING  
*Douglas, Wyoming.....January 27*

NORTHERN PLAINS RESOURCE COUNCIL BOARD MEETING  
*Billings, Montana .....February 3*

*Principles of Community Organizing Training*  
*Billings, Montana .....March 21-24*

WORC Summer Conference  
*Pendleton, Oregon .....June 7-9*

WORC Board and Staff Meeting  
*Billings, Montana .....December 7-8*