



## Capital Eye

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### Week Six – The Public Speaks Out!

By Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

This week at the Capitol was marked by public hearings on three major public policy issues. The first was on the two Death Penalty bills pending in the House. Many people there told stories of loved ones lost to horrible criminal acts. Others spoke about their aversion to government sanctioned murder by execution. Aside from the revenge aspect, I can't see a good reason to go back to capital punishment. It is more expensive than a life sentence without parole. The major reason to nix the axe is probably the legacy of Fred Zain, the former West Virginia State Police forensics expert who falsified results and put unknown numbers of West Virginians in prison with false evidence. If we had the death penalty at that time, how many innocents would have died? My statement on the death penalty is "Who would Jesus execute?" See

<http://www.dailymail.com/News/201102151332?page=2&build=cache> for the Daily mail article.

Chairman of House Judiciary Miley said his committee was not interested in taking up the bill so it's unlikely to move any further.

Tobacco was on the table next as advocates for increasing the cigarette tax by one dollar came out in force. The opposition to HB 2973 was from the tobacco lobby and small businesses (convenience stores that profit from cross border sales from Pennsylvania and Ohio where the tax is higher and cigarettes cost more). The Senate bill, SB362 moved out of the Senate Health & Human Resources Committee this week and is expected to receive favorable treatment in its Finance committee as the revenue it generates will be needed to help cover retiree health costs. See the Gazette articles on this issue here:

<http://wvgazette.com/News/201102160867> and here:

<http://www.wvgazette.com/News/201102171695>

The big hearing for us was the one on the new Marcellus gas drilling regulations. Angry citizens from the northern gas fields filled the House Chamber and gave legislators a feel for what it's like to live near or have a Marcellus industrial zone on their land. See Julie's article and also the front page Gazette coverage here:

<http://www.wvgazette.com/News/201102171508>

Also, we taped most of the citizen's testimony and hope to have several clips up on our YouTube page soon!

### House Committee Holds Hearing on Marcellus Shale Drilling

By Julie Archer, [julie@wvcag.org](mailto:julie@wvcag.org)

On Thursday, more than 100 people from across the state packed the House Chamber to urge lawmakers to pass tougher regulations for Marcellus Shale and other gas well drilling. The House Judiciary Committee held the hearing to seek input on two comprehensive bills (HB 2878 and HB 3024) it is considering.

Marcellus Shale development is resulting in what can only be described as "the industrialization of rural West Virginia." Because our oil and gas drilling laws have not been updated in nearly thirty years, this new boom in drilling (and the new technologies associated with it) is largely unregulated. There are also many problems with other (conventional) gas well drilling that need to be addressed.

Although they are too numerous to mention here, we greatly appreciate all the folks who traveled to Charleston to share their personal stories and concerns. Special thanks go to Steve Conlon, Bill Hughes, Ed Wade, Marty Whiteman and Sara Wood who came from Wetzel County to talk about how their lives have been affected by Marcellus Shale drilling.

Marty Whiteman, a farmer and surface owner, told Committee members that some of his farmland had been rendered useless by gas companies' drilling methods. "When they came in, they told us we would not be affected at all, that this would be a minor inconvenience. And it's been devastation. I'm the sacrificial lamb when it comes to all this," he said. "I thought this was America. I thought when

you bought a piece of property, you actually did own it."

Marty's daughter Sara spoke about how her 4-year old son was the first one to notice a foul odor coming from one of the gas wells near their home last August. Shortly after, their house became engulfed in a cloud of toxic gas. Several other families nearby complained about strong odors, vapors and health problems.

Air quality is a major issue in Wetzel and other counties enduring heavy drilling activity. Many of the processes involved with this development release nitrogen oxide (NOx), volatile organic compounds (VOCs) and other potentially harmful substances into the air. However, DEP claims to have no authority to regulate emissions from gas well sites. And unfortunately, this issue is not addressed in either of the bills being considered. The DEP bill (HB 3024) contains general environmental protection performance standards that require drillers to control particulate matter, but this is the only mention of air quality issues in either bill.

After the hearing Sara told a reporter with WCHS-TV, "I'm tired of bathing my son in water and him breaking out in rashes." She says natural gas drilling around her Wetzel County home is making him extremely sick. "We don't drink our water. We don't know if it's polluted or not, but we're not going to take the chance," she said. You can watch and listen to Sara's interview at [http://www.wchstv.com/newsroom/eyewitness/110217\\_4333.shtml](http://www.wchstv.com/newsroom/eyewitness/110217_4333.shtml).

Special thanks also to Spencer Wooddell who talked about how high levels of methane had been discovered in several water supplies on his family farm since drilling began nearby. One drilling site is right on the the Wooddell's property line, about 200 feet from one of their water wells and a natural spring. However, some of the affected water sources are as far as 2,400 feet from the well site. Currently, drillers are only required to do pre-drilling tests for water wells and some springs within 1,000 feet of where a gas well enters the ground. The proposed Judiciary bill (HB 2878) would require the operator to conduct a pre-drilling test of the water supply, upon written request "by any landowner residing within 5,500 feet but farther than 2,500 feet of a proposed gas well using hydraulic fracturing." Under the bill, testing parameters are expanded to

include chemicals or chemical compounds commonly used in hydraulic fracturing.

An industrial spill at the same site polluted the Wooddell's land. The spill went unreported to the DEP until the Wooddell's mechanic noticed lime on their property and on hay bales from their fence line leading up to the site. You can read more about it at [http://switchboard.nrdc.org/blogs/amall/west\\_virginia\\_a\\_spill\\_not\\_repo.html](http://switchboard.nrdc.org/blogs/amall/west_virginia_a_spill_not_repo.html).

Many of you have your own horror stories that exemplify the need for legislation to protect citizens and the environment from Marcellus Shale and other gas well drilling. If you haven't already, please contact your legislators and tell them about what happened to you. Tell them what you think needs to be done to address problems related to both Marcellus Shale and conventional drilling. Visit <http://marcellus-wv.com/> and click on "Take Action" to send a quick e-mail (please personalize your message) or visit [www.wvsoro.org](http://www.wvsoro.org) for additional contact information. We expect the Judiciary Committee to resume its work on the bills next week and the deadline for bills to be out of committee is fast approaching.



***Sarah Wood Speaks Out About the Harmful Health Effects of Marcellus at the Capitol***



**Bill Hughes Shares Concerns About Lack of Regulation for Air Emissions From Drilling Operations**

## E-Waste Landfill Ban Challenged

As you may know, a ban on dumping certain electronics into West Virginia landfills went into effect on January 1<sup>st</sup> of this year. But already certain special interest groups are attempting to have the ban repealed! Led by the Waste Hauler industry, HB3047 was introduced by Delegate Gary Howell (R-Mineral) to undo the progress of limiting heavy metals and leaded glass in landfills. Certain areas of the state evidently did little planning to accommodate the new law while other areas such as Monongalia, Raleigh, Berkeley, Kanawha and Wood implemented new programs to accommodate the ban.

HB3047 is a bad bill that would undo the progress already begun to protect our groundwater. According to the Kanawha County Solid Waste Authority **four** tractor trailer loads of E-Waste have already been shipped to electronic recyclers in the past 5 weeks. We hope this bad policy doesn't gather steam as we work to defeat the retrograde approach to responsible solid waste management. Thankfully, the bill hasn't moved from its place in the House Judiciary Committee, but if you care about clean water, reducing toxic substances in landfills and just doing the right thing, please contact House Judiciary Committee Chair Tim Miley at (304) 340-3252 and ask him to keep this bill off the Judiciary agenda! Remember: HB3047 bad - Clean water good!

## Ethics, But Not for Me

By Gary Zuckett, [gary@wvcaq.org](mailto:gary@wvcaq.org)

The Senate's work on the Ethics bill (HB2464) this week made some quirky turns. Members of the Judiciary Committee made sure the "revolving door" provisions that were in the bill did not apply to present members of the Legislature until their present term expires. This measure is often called the "Puccio Amendment" after Larry Puccio, who resigned as then-Governor Joe Manchin's Chief of Staff and registered as a lobbyist for the Charles Town racetrack/casino and other prominent corporate entities a week later. The bill now goes to the Senate floor for a passage vote. See Gazette coverage here:

<http://www.wvgazette.com/News/201102171511>

## Jamail Presentation on BP Gulf Spill – a Warning for WV on Marcellus?

By Gary Zuckett, [garyz@wvcaq.org](mailto:garyz@wvcaq.org)

The collaboration of our WV Citizen Action Education Fund (WV-CAEF) and Seneca 2 to bring award-winning investigative journalist Dahr Jamail to the Kanawha Valley was a successful beginning to what we hope will be a long-term partnership.

Sixty to seventy citizens attended the event at West Virginia State University in Institute to listen to Jamail's presentation. He showed his on-the-ground slides and shared his recorded interviews with individuals and businesses that have been harmed financially and physically by the on-going effects of the spill and toxic dispersants still washing up on the shores of the Gulf states.

I was able to chat with Dahr before his presentation and we both came to the conclusion that the Gulf spill has relevance for West Virginia as a warning that officials are quick to blow the "all-clear" whistle even when folks are still getting sick. In West Virginia, instead of Corexit dispersants and crude, we have toxic Fracking fluids and air-borne hydrocarbons to fear. Here our ground and surface waters are at risk and folks near any of these Marcellus industrial zones should have their water tested and watch the drillers like hawks to make sure that drilling wastes don't "accidentally" get into streams or contaminate their hills and hollows.

“BP, the EPA and state officials all say the spill is over and things are back to normal but that’s a lie,” stated Jamail. “Millions of residents of the coast are being exposed to life-threatening toxics associated with the spill and clean-up on a daily basis and their health is deteriorating. For many it’s a life threatening situation.”

Jamail recounted numerous stories of individuals he met during his investigation with serious health problems that could be directly linked to the high levels of hydrocarbons and dispersants in their blood. One healthy 23 year old who was ready to join the armed forces took a swim in the gulf off the coast of Florida. Soon afterwards, he began having daily seizures and his doctor told him he was surprised he was still alive with all the toxins in his blood.

Bob Kincaid at Head On Radio was there and the event was streamed live on the internet. The video archive is at <http://www.ustream.tv/recorded/12760641> for those who want to watch the whole event.

A story by Jamail on his findings in the gulf is at <http://www.truth-out.org/were-poisoned-were-sick67338>. Our next speaker will be in April - watch for details in the next few weeks!

## Phone-In For Choice

From our friends at Planned Parenthood and WV-FREE:

A bill has been introduced in both the House of Delegates and Senate that would ban all insurance coverage of abortion in the state of West Virginia. These bills are among the most extreme we’ve ever seen in WV, and across the country.

We have been preparing for an insurance coverage ban bill for some time now; however, these bills are much more extreme than we anticipated. During these last 3 weeks of the legislative session, we will work to defeat this massive attack on women’s health and rights [which has already been advanced by the House Banking and Insurance Committee] while at the same time continuing to push for expanded insurance coverage for birth control and prenatal care.

*How can you help?* Sign up to make calls with Planned Parenthood and WVFREE at one or more of our final Phone-In For Choice phone banks:

- Tuesday, March 1st
- Monday, March 7th

If you can help out or if you’d like more information. Email [kira.miskimmin@pphsinc.org](mailto:kira.miskimmin@pphsinc.org) or [rachel@wvfree.org](mailto:rachel@wvfree.org).

## This Monday -- Stand Up for Freedom and Fairness

In addition, you can help protect reproductive rights, increase access to birth control and prevent teen pregnancy by join Planned Parenthood, WV-FREE and the ACLU of WV for Pro-Choice Lobby Day this coming Monday, February 21<sup>st</sup> at the State Capitol in Charleston.

These groups and others including WV-CAG are joining with and supporting Fairness WV in their efforts to add sexual orientation to the Human Rights Act (SB 226 & HB 2045). Part of the day’s events include a press conference featuring Sam Hall, the gay coal miner who is the plaintiff in the landmark harassment suit against Massey Energy, and Acting Senate President Jeff Kessler. Please consider joining us Monday, February 21, 2011 at 9:15 a.m. on the steps of the Senate Chamber to show of support for their efforts. For more information visit <http://www.fairnesswv.org/>.

## Rally for Women’s Lives ~ Thursday, February 24th in Charleston

Join us as we stand with Planned Parenthood (PP) and send a message that the U.S. House leadership’s recent attack on women’s health is extreme, dangerous and out of step. West Virginia has been identified as a target state, with a focus on encouraging Senator Manchin to vote against the defunding of Title X (which provides women with birth control, cancer screenings, HIV testing, and more) and Planned Parenthood. Senator Manchin must stand up for the women of West Virginia! We need your help to send a strong message. The women of West Virginia are counting on us. More details coming soon.

## One Person, One Vote

One person one vote is one of the most sacred tenets of our democracy. So why doesn't it apply to electing the President?

Most people know that the presidential candidate with the most votes can sometimes lose the election. But even worse, West Virginia voters are totally ignored every election.

The reason is because of our state "winner take all" rule for awarding electoral votes. Candidates of both parties have no incentive to campaign in states where they are comfortably ahead or hopelessly behind. They would rather pay attention to "swing states," where the result actually matters.

The National Popular Vote bill (HB 2378) advanced by the House Judiciary Committee on Thursday would address this problem by making every vote equal and guaranteeing the Presidency to the candidate who gets the most popular votes in all 50 states.

With the National Popular Vote bill, our state would join an interstate agreement to award its electoral votes to the Presidential candidate who gets the most popular votes in all 50 states. The agreement would only take effect once passed by states representing a majority of the Electoral College. Seven states have already passed the law.

Go to <http://www.nationalpopularvote.com/wv> to write your delegate(s) now and ask them to support the National Popular Vote bill (HB 2378). When you get copies of your e-mails forward them to us at [info@wvcag.org](mailto:info@wvcag.org) so we know how many contacts our Delegates are getting!

Even after the election is over, the issues that matter to West Virginia just aren't on the radar like they are for important swing states. With a national popular vote, candidates will be forced to campaign in all fifty states and address a wider spectrum of concerns. And they won't be able to write off West Virginia.

Help assure that every vote is equal and every state matters in every presidential election. Write your representative and tell them to support

HB2378, and to pass National Popular Vote in West Virginia.

## Update on Energy Efficiency Act

By Mike Harman, [mph1946@gmail.com](mailto:mph1946@gmail.com)

Folks, we succeeded in getting some changes made to the original Energy Efficiency Act, which has been re-introduced and is now designated [House Bill 3088](#).

Like the original, it is now in the House Government Organization Committee. We are asking your help again to contact ALL members of the House, but with special attention to the committee. A roster of the Government Organization can be found [here](#).

If you want a copy of the EEA Fact Sheet, please e-mail me and get it to your legislators by the fastest route, including email, or call them this weekend at home if possible (home numbers are included for the committee members). Again, they are paid for 60 consecutive days and we need to remind them of this fact sometimes!

Please ask for their support and get an answer one way or the other, then let us know their response. Many thanks!

## Tea Party Act Seeks to Hamstring State Budget

By Gary Zuckett, [garyz@wvcag.org](mailto:garyz@wvcag.org)

The Delegate who failed in his efforts to get the Eastern Panhandle to secede from the rest of West Virginia is keeping himself busy! He got a few of his Tea Party freshman Delegates to at least take a stab at "shrinking the state down to the size where it can be drowned in a bath tub" (to paraphrase Norquist) and cut the legs off the state budget. The bill (HB 3146) will create the Tea Party Act. The bill requires \$200 million of spending cuts per year for five years in state government. Who needs libraries, roads, bridges, police & first responders? This nation was founded on rugged individualism so let's go back to riding horses to work – they'll be able to navigate the potholes!

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