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**Testimony for Natural Resources Oversight and Investigations Subcommittee**

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My name is Dustin White and I am a community organizer with the WV based Ohio Valley Environmental Coalition (OVEC) and spend the majority of my time working with people living with the day to day impacts of coal and mountaintop removal mining. OVEC is a local grassroots non-profit organization helping communities throughout the state fighting environmental injustice. For the record I am not a scientist or engineer, nor do I hold any type specialized degree. What I am, however, is an 11<sup>th</sup> generation West Virginian who grew up in Boone County, one of the state's top coal producing counties. It also happens to be one of the most ravaged by mountaintop removal. I have been around coal mining all my life and have family who've worked for the industry since its inception. I am here to speak on behalf of the hundreds of thousands of individuals throughout the Appalachian region who live in the wake of the coal extraction process. We often feel that we are ignored or overlooked in the decision making process when it comes to coal.

One of the most abundant resources in the Appalachian region is in fact water, not just coal as many would like to believe. Not only is water one of the few basic fundamental elements needed for life, but it is also important to Appalachian culture because our streams and rivers are just as much part of our communities as the mountains that surround us. We don't just use them for recreational purposes like fishing and swimming but for many who do not have access to municipal water systems, it is the water they use for drinking, cooking, and bathing. Water from the Appalachian region was once considered some of the most pure on the planet. However, for the past several decades, our valuable water quality has been threatened and in many cases completely obliterated by pollution from mountaintop removal.

When mining companies dump the overburden from their operations into adjacent valleys they destroy ephemeral, intermittent, and perennial streams that act as headwaters for larger rivers and as natural channels for rain and snow runoff. This causes massive flooding. The mountains and forests of

Appalachia are designed by nature to absorb and direct water, especially during periods of heavy rainfall. However, because these streams are destroyed, rain runs off the desert like landscape created by mountaintop removal into the communities directly below causing flash flooding. Now, almost yearly, people in areas with mining have to contend with flooding that is devastating to their communities. In the past, massive flooding was a rare occurrence but is now commonplace and I have seen the toll it has on already economically depressed communities.

One of the greatest threats from mountaintop removal comes in the form of the water contamination mining causes. The blasting of strata subsequently exposes naturally occurring elements locked in the ground, which once exposed to air, can become toxic. These now toxic elements along with other toxins, such as diesel fuel from equipment and the chemicals used in explosives, leach into streams and groundwater supplies and eventually find their way into people's' homes that depend on these sources for water. As a result people are becoming sick. Cancers, gastrointestinal issues, kidney damage, and gallbladder issues among others are commonplace throughout Appalachian communities with heavy mining. Not only have I witnessed these illnesses as a lifelong native of an area with heavy mining, but I often hear stories of commonality in each community impacted by mining I work in. People speak of their own wide range of illnesses or tell of family and neighbors who have similar health issues described or have even passed away from these illnesses; not only adults, but children as well. I myself at 31 years of age have outlived people I played with as a child.

It is well known there are dozens of peer reviewed scientific studies published showing a correlation between mountaintop removal and health issues for people living near mining. One study shows a strong correlation between children being born with health defects and the proximity their mothers live during pregnancy to MTR sites. In medical pathology, correlation is the first key to determining if something has an impact on human health and is often the only way to determine a link when causation cannot be shown. In many medical study cases when it comes to determining somethings impact to human health it is not causality that medical professional go by but the correlation data. I personally believe without a doubt that most of these illnesses are caused by pollution from coal operations.

It is true that laws and regulations like SMCRA (Surface Mine Control and Reclamation Act) are in place to prevent or lessen environmental impacts of coal mining and mountaintop removal. However, in many cases it seems companies tend to ignore, for the most part, these regulations. Under SMCRA, some states are given primacy by the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) to have state regulatory agencies that can address issues related to mining. In WV this falls under the jurisdiction the Division of Mining and Reclamation (DMR) inside the WV Department of Environmental Protection (DEP). These state agencies are supposed to be the citizens' first line of defense when coal mining companies break the law. However, after years of trying to work with these agencies on the state level we have found they do not work the way they were intended.

Citizens often find that they are the ones who have to do the work in determining violations from mining companies. With little to no help from state regulatory agencies, citizens take it upon themselves to monitor water quality around areas with heavy mining. They are essentially doing the job

the state regulatory agency is supposed to do. Independent labs and universities will often have to be consulted by community members for water testing because state agencies either dismiss claims from citizens or claim that they do not have the capacity to monitor the water source in question. In cases where state agencies find violations, fines set by the agency are often ineffective at deterring repeat offenders, and many state agencies allow habitual offenders of violations to continue operation with only temporary delays in production. This often prompts citizens to file lawsuits against the mining companies for things like excessive selenium discharges into streams and high conductivity, often an indicator of harmful heavy metals, in streams impacted by mining along with other Clean Water Act violations. Many of these lawsuits are more effective at reigning in coal companies over actions taken by state agencies.

Recently in West Virginia, due to the lack of enforcement by the state, citizens filed a 733 petition under SMCRA to have OSMRE investigate and possibly take over the DEP's mining division. The WVDEP has also worked with coal companies to weaken water quality standards inside the state that goes against federal guidances in place. Due to the lack of enforcement in the states where MTR takes place and the refusal of agencies to work with impacted communities, people have been left with no other choice than going directly to federal agencies such as the Environmental Protection Agency (EPA), OSMRE, the Council on Environmental Quality (CEQ), and the Army Corps of Engineers. Impacted citizens have asked these agencies, as public servants, to use their authority to provide some relief to communities where water quality is being destroyed by mining activity because they are receiving little to no assistance from the state level.

It is true there is a cost to mining coal and we in Appalachia have been paying that cost for decades. Mountaintop removal is a continued threat to the safety and wellbeing of people living in the Appalachian region. Citizens not only face the current impacts to their health and environment, but will be left with the legacy pollution costs of mining. Due to their failure to adequately enforce regulations; state agencies have contributed to the impacts of mining on communities with little to no accountability and have shown that they cannot be a useful part of any nationwide rulemaking process. As a result, we will continue to seek rules from federal agencies that will curtail the impacts of mining and threats to human health.