

TESTIMONY

*Hearing of the U.S. House Subcommittee on Energy and Mineral Resources
"Health and Environmental Impacts of Mountaintop Removal Coal Mining"*

April 9, 2019

Carl Shoupe

Disabled miner and member of Kentuckians For The Commonwealth

Good afternoon Chairman Lowenthal and members of the committee. My name is Carl Shoupe. I'm from Benham in beautiful Harlan County, Kentucky. I'm a 3rd generation coal miner. Until recently, my son was also an underground miner. He just completed training in energy efficiency and renewable energy installation, and is starting his own business. That's a story for another day, but I'm proud of him.

I spent my 19th birthday in Vietnam, where I served with the US Marines. I came home from the war and went into the coal mines. Shortly after that I was crushed in a rock fall that almost took my life. With thanks to God, I'm still fighting to build a brighter future for my grandchildren.

I live in the shadow of Black Mountain, just below the highest point in Kentucky. We live in a valley that is home to three historic mining communities: Cumberland, Benham, and Lynch. We live in a teacup, a fragile basin that is still untouched by strip-mines with their explosives and bulldozers. But to the west, east, and north of us, our mountains have been ravaged.

Our teacup still has pure water and healthy streams. Our homes still rest on fairly solid foundations. Our mountains are covered by some of the most diverse hardwood forests in North America. Our communities have developed some excellent tourist attractions, including the Kentucky Coal Mining Museum, a School House Inn, and an underground mine tour. But all of that is now at risk.

As we speak, a coal company is seeking a permit to strip mine the ridge behind my home. They plan to go up the entire valley, through Benham and into the next town of Lynch. If that happens, it will endanger our health, safety, peace of mind, property, tourism economy, drinking water, and hope for the future.

Today behind my house, clear cutting is starting to happen, even before they get permission

to mine. Eventually they will cut new roads on our steep hillsides to make way for drilling machinery, dozers, and trucks. Then comes a knocking on the door. The coal company shows up with a pre-blast survey, inspecting for damage before their blasting starts. That's when reality hits: Our homes may soon be cracked or rocked off their foundations by explosions powerful enough to turn mountains to rubble.

Presently, we are fighting to protect our little teacup. I, along with 3 other local residents, have filed a petition to declare our area "Lands Unsuitable for Mining," (LUM) under a provision of the 1977 Surface Mining Control and Reclamation Act (SMCRA).¹ For the last ten years, the Kentucky Energy and Environment Cabinet has not responded to our petition. But the agency was recently ordered to rule on our request before acting on the pending mining permit.² A public comment period has been opened through April 2019. Then our fate will be decided.

I hope we are successful. But in most cases, the company gets its permit. Let me share a few brief stories from friends in nearby communities:

- In Floyd County, my friend Rick had to move away from the land where his family had lived for 200 years, due to toxic runoff from mountaintop mining behind his home. Rick is a quiet and stubborn man. He did everything he could to hold the company accountable. He became an expert in water testing, documented everything, hired a lawyer, and organized. He even slept in the Governor's office for three days and took the Governor on a tour of his land.³ But he was being poisoned. Eventually he had to leave.
- In Letcher County, my friends Sharman and Jeff have spent 30 years in a log cabin set in meadow below a big mountain. A few years back, their piece of paradise was turned into a war-zone by a huge strip-mine up on the hill. Since then, they've endured constant blasting, beeping trucks, clouds of dust, buried and poisoned

¹ Benham and Lynch Lands Unsuitable for Mining Petition:
<https://kftc.org/sites/default/files/docs/resources/harlanlumfinal.pdf>

² Article about Benham and Lynch Lands Unsuitable for Mining Petition by Bill Estep in the Lexington Herald Leader, January 3, 2019: <https://www.kentucky.com/news/state/article223866545.html>

³ Rick Handshoe case-study, produced by Kentuckians For The Commonwealth in 2011:
http://kftc.org/sites/default/files/docs/resources/a_case_study_in_non-enforcement.pdf

streams, and contaminated well-water.⁴ Like too many others in their community, Sharman was recently diagnosed with cancer. Jeff has emphysema, although he's not a smoker.

- In Martin County, where strip-mining has taken at least 20% of the landscape,⁵ my friends Nina and Mickey remind us that living in the shadows of mountaintop mining is also deeply damaging to mental health and community well-being. As Nina says, witnessing this destruction in the name of corporate profit contributes to “a sickness of hopelessness, and the loss of faith in our democracy.”⁶

Health studies tell us their stories are not isolated. Many serious conditions – including cancer, birth defects, and heart and respiratory disease - are more likely to affect people near mountaintop mining sites than people a few counties away.⁷

I've traveled a long way to this meeting because our communities need your support. We need Congress to partner with us in a Just Transition for our coal workers and communities.

Congress must act now to end strip-mining in Appalachia. We need your help to protect our health, water, and forests and invest in restoring and repairing our land, water, and people. We can build a bright future, but we have to stop the destruction now.

⁴ Personal testimony from Jeff and Sharman Chapman-Crane, describing a day in their life in the shadows of a massive strip-mining operation behind their home:

http://kftc.org/sites/default/files/docs/resources/jeff_and_sharman_chapman-crane_testimony.pdf

⁵ Mapping the yearly extent of surface coal mining in Central Appalachia, July 25, 2018:

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0197758>

⁶ Personal testimony written by Nina McCoy in March 2019 about community health impacts of mountaintop mining that persist long after active mining is over:

<http://kftc.org/sites/default/files/docs/resources/ninamccoystatementoncommunityhealthimpactsofmtr.pdf>

⁷ “A Troubling Look At the Human Toll of Mountaintop Removal Mining,” an interview with Dr. Michael Hendryx in Yale Environment 360, by Richard Schiffman, November 2017: <https://e360.yale.edu/features/a-troubling-look-at-the-human-toll-of-mountaintop-removal-mining>

A Day in the Belly of the Beast

Written by Sharman and Jeff Chapman Crane, Eolia, Kentucky

To be read out loud, alternating between Jeff's voice and Sharman's

April 2019

6:45 a.m. You wake up. The first sounds you hear are the machines...the dozers, the end loaders, the massive dump trucks...Black Mountain being ravaged...The first shift change at the mine begins.

You take your asthma medicine, maybe your inhaler if the stress triggers an attack. You wake your son, who gets up coughing from the dust, or the smell of the water, or who knows what. You try not to think about long-term consequences.

You dress, start your routine...breakfast, vitamins, exercise. You wash the dishes, then brush your teeth, trying not to think about why the water is so cloudy and smells so bad.

You sit down to plan the day...a trip to town, work in the studio, mowing the grass. A college group to tour the gallery later...

You're startled by the first explosion, which you feel before you hear it. The house shakes, the windows rattle...then the roar of the explosives and the cloud of dust. You remember the four-year old in Virginia, killed by a boulder crashing through his bedroom, or the people injured in Hazard when fly rock came through the roof of the Wal-Mart. You try not to think about it.

You work in the studio, and later you and your son begin the mowing. This time you hear the explosion before you feel it. You run toward the house as the valley fills with dust. Your eyes sting and your mouth and nose fill with grit. You make it inside, close all the doors and windows. You're scared and angry, you want to file some kind of complaint. Then you remember the government official telling victims of a sludge spill, "Don't worry, there's nothing in the sludge that's not on the periodic table of elements." Or the elected representative saying to you, "might as well let them get all the coal they can, they're just going to build a big dam and flood all of eastern Kentucky anyway." Deaf ears...You wait for the dust to settle. The second shift change begins.

You start to town, passing your best friend's house, and try not to think of how strained that friendship has become. You start across Pine Mountain, dreading the encounter with trucks loaded with 200,000 pounds of coal, and you hope the driver is not high on

oxycontin, or driving too fast, or both. By grace you arrive safely and stop at the courthouse to get car tags. “Would you like a Friends of Coal tag, or maybe a Friends of Coal tee-shirt?” No thanks. Next stop, the bank, where the tellers all wear Coal Mining Our Future tee-shirts. You muse for a moment about the unintended irony but keep it to yourself. As you head to Food City you read the sticker on the truck in front of you... “Save a Nation, Kill a President”. In the parking lot a dozen cars with Friends of Coal, Coal Keeps the Lights On, Coal Mining Our Future tags and stickers...then the pick-up with the fully equipped gun rack, and you hope the owner is not crazy enough to enact the message on *his* bumper “Save a Coal Miner, Shoot a Tree Hugger”.

You cook supper, eat, take a bath, trying not to think about the water. You go to the gallery. Dave Cooper brings a group of 20 students from Ohio and Harvard. You give a tour and tell your story. The students are inspired and think you’re courageous and heroic, but you know better. You do what you can. It’s not enough.

On the way back to the house you glance up at the devastation on Black Mountain, confronted once again with your failures...as if you could forget them. You settle in for the evening, a good book or maybe a video, nothing too serious, because you’re up to your neck in serious.

The night descends. You brush your teeth, trying not to think about why the water is so cloudy and smells so bad. You get into bed. The third shift change begins, miners working the only jobs available, putting their lives on the line to provide for their families. Told by the bosses that the “tree huggers” want to put them out of work and don’t care if their children starve. Miners going to and from work, one way in, one way out. They know who you are, they know where you stand, they know where you live. You try not to think about it. But you do. You think about those miners...desperate, misinformed, scared, angry. You think about the threats, veiled or explicit, real or perceived, about the poisoned water and the contaminated air, your family’s health.

You think about friends...estranged, injured, sick or dead. You think about Black Mountain, the highest in Kentucky, its beauty and vibrancy lost forever. Forever.

When the traffic diminishes a quietness settles over the valley. You begin to drift to sleep, and the last sounds you hear are the machines...the dozers, the end loaders, the massive dump trucks.

Community Health Effects of Mountaintop Removal

A written statement by Nina McCoy, resident of Martin County, Kentucky
April 2019

I am writing today, not to discuss the acute or chronic health impacts of the process of mountaintop removal mining. While I know those exist, others are more qualified to speak to that evidence.

However, I can honestly testify to what is left behind for an Appalachian community after the mining has ceased, the coal companies have been shuttered and the profits are buried in Wall Street's memories and the bank accounts of heirs of coal barons.

The current state of my home is one of overarching sickness of hopelessness and loss of faith in our democracy.

In 1964 President Lyndon Johnson came to Inez, Kentucky to kick off the "War on Poverty" because, at the time, Martin County was the poorest all white community in the United States. Fast forward to 2018 when Martin County was named the "Worst White Majority County in the United States" by *US News and World Report*.

Anyone reading those two headlines would be willing to declare that the War on Poverty was ineffective at best and destructive at the very worst. However, what must be remembered are the billions of dollars' worth of coal that were dug, blasted, and scraped out of our hills in the intervening 54 years.

It is important to note that Martin County is NOT even the poorest majority white community in Kentucky at this time. So how did we get the glory of again being considered a "worst community?" Perhaps it is a poverty of spirit, a poverty of prospect, a poverty of faith, that gives us the unwanted title.

While a few in our community are still hoping for the mines to come back and supply the good paying jobs of the '70s, '80s and '90s, many are still afraid to talk openly about the destruction the companies left behind; and most put the blame on our democratically elected leaders that turned the other way.

The pervasive sickness responsible for the lack of progress is one of unregulated and unbridled greed which allowed our watersheds to be buried or polluted, our coal miners to be left with black lung and work related injuries without the promise of healthcare, and 30 percent of our beloved mountains to be leveled in the name of "cheap" energy and increased profit margins.

While Jesus' warnings about "unrighteous mammon" have fallen on deaf ears for the Fox News evangelicals, and the 2008 Wall Street collapse hasn't proven even to the elite liberals that the "invisible hand" of economics cannot be trusted, perhaps Martin County, Kentucky, is one of a multitude of examples that can attest to the long term damage of a belief in "trickle-down

economics.”

I leave you with an excerpt from a New York Times Magazine article by John Egerton from nearly 40 years ago, October 18, 1981, which includes a quote from an unlikely prophet, Robert (Mike) Duncan, president of Inez Deposit Bank, past chairman of the RNC, cofounder of American Crossroads, and current chairman of the Board of Governors of the US Postal Service:

And even Robert Duncan, the banker, despite his support of President Reagan’s economic policies, stops short of saying that Martin County’s public programs and services or its continuing social and environmental problems can, or should, become the responsibility of the private sector.

“We can’t make it on our own,” he says. “A strong economy will have its trickle-down effects, but government will still have a major role to play.”

Mr. Duncan’s ambition is to have all the parties with interest in Martin County’s future work together on a long-range plan to assure its survival and improvement. The corporations, he says, should lead the way. “If we could get the top executives to come in here and see the whole picture, I think they’d realize what’s being taken and what’s being put back, and they’d be more charitable...Public and private leaders working together can assure a bright future for Martin County, and I have faith that it will happen. If it doesn’t, this place could be a wasteland.”

Ladies and gentlemen, welcome to 2019 and the wasteland that is Martin County, Kentucky. Let us be a warning to other communities depending on the “job creators” to trickle down prosperity.

While our governor is giving tax breaks to the wealthy corporations, Martin County has joined Flint, Michigan, in being a national poster child for a failing drinking water system. To add insult to injury leaders in Washington and Frankfort are promising millions of tax dollars to pump reliable drinking water up to leveled off MTR sites where the watershed was destroyed, to attract industry. That is not a trickling down, it is a siphoning up.

It is past time to return to the era where a government works with and for PEOPLE- not the corporations.