



Federal Issues Report

October 8, 2009

This is a new e-newsletter of the West Virginia Chamber of Commerce focusing on key federal policy issues and bills. Provided are overviews and status updates on a number of major federal matters that are of concern to business and economic development in West Virginia.

Roberts, Manchin, Capito Fight Back Against EPA's Anti-Coal Actions

W.Va. Chamber President Steve Roberts, Governor Joe Manchin and Second District Congresswoman Shelley Moore Capito are making their displeasures known about the EPA's ongoing actions against the state's coal industry. Governor Manchin has been quoted in the news as being very upset by the EPA's latest decision to continue reviews of 23 coal mine permits in the state and has stated he will do everything in his power to get a resolution.

Also, in an Oct. 7, 2009 letter to the EPA Congresswoman Capito said she has "deep concern" and skepticism about the agency's recent announcement to continue "review" of the coal mine permit applications in West Virginia. She adds in her letter that the "agency's actions signal an erratic and inconsistent pattern regarding the review of permit applications." "Essentially, signaling out these permits and repeatedly calling for additional review the EPA is jeopardizing jobs and economic growth throughout the state and region. Further delay of mining permits create enormous uncertainty that's forcing mines to delay investment, halt production and lay off workers across the region."

"The West Virginia Chamber calls on all elected leaders at all levels, particularly those in Washington, to speak out, to expression displeasure with the EPA and to work to protect the state's economy in this time of uncertainty," said Steve Roberts, Chamber President.

While these leaders are fighting the EPA's latest action, Congressman Nick Rahall, whose district covers the southern coalfields, was quoted in an Oct. 2, 2009 article in the Beckley Register-Herald as saying he thinks the EPA will work with the coal industry to maintain mining operations. He also noted that the EPA's "review" is something it must do under the law. "How can Congressman Rahall think this?" asked Steve Roberts, Chamber President. "How can he defend this agency when it has embarked on what appears to be a course to hurt our state and coal workers?"

U.S. Army Corps Plans Public Meetings Next Week On Mountaintop Mining

[Click to read](#)

Other News

Editorial: The EPA Does Owe States More Stability

[Charleston Daily Mail, Oct. 8, 2009](#)

Senate Finance Committee Gets Green Light On Health Care Reform Costs

The cost of the U.S. Senate Finance Committee's health care reform bill came in slightly lower than anticipated (\$829 billion over ten years), and, as a result, the bill now is set for a vote by the full committee. The committee was awaiting a review by the Congressional Budget Office on the fiscal impact of the legislation. This committee's health reform plan includes a laundry list of new taxes to help pay for covering 29 million uninsured Americans. The Senate Health Committee is considering its own version of a health care reform bill. The House version of national health care reform is [H.R. 3200](#).

W.Va. Chamber's policy position in support of national health care reform – [click to read](#)

OTHER KEY FEDERAL ISSUES PENDING IN CONGRESS

Cap-And-Trade Sitting In Senate

A new "cap-and-trade" bill has been introduced in the U.S. Senate. The measure, the [Clean Energy Jobs and American Power Act](#), was introduced in late September by Senators Barbara Boxley (D-California) and John Kerry (D-Massachusetts). It contains more aggressive emission reduction goals than outlined in the House's version (American Clean Energy and Security Act of 2009 - [HR 2454](#)). The Senate bill would require "carbon pollution" to be cut by 20 percent by 2020. West Virginia's Senators Byrd and Rockefeller have issued statements against the Senate's version.

W.Va. Chamber's cap-and-trade policy paper – [click to read](#)

U.S. Chamber's statement on climate change – [click to read](#)

Coal Permits: EPA Halts 23 Permits In West Virginia

The U.S. EPA has halted issuance of 79 federal surface mining permits and has directed that these go back for extensive reviews. This action affects 23 pending permits in West Virginia and is part of the Obama Administration's ongoing actions against domestic coal production. The permits represent all of the backlogged surface coal mining projects under review by the Army Corps of Engineers. "EPA believes that the majority of the permit applications recommended for further evaluation have not yet adequately demonstrated that anticipated environmental and water quality impacts have been fully avoided and minimized as required by guidelines," according to an [EPA letter to the U.S. Corps of Engineers](#). The agency, which launched a review process back in April 2009, said it "remains concerned that all the 79 applications identified in the initial list involve surface coal mining projects raising potentially significant water quality and environmental issues." The EPA said it wants "the mining companies to reduce anticipated environmental and water quality impacts."

EPA Initiative Targets CO2 From Power Plants, Large Manufacturers

The U.S. EPA has launched another regulatory initiative designed to "address greenhouse gas (GHG) emissions under the Clean Air Act." The EPA's latest proposal will require large industrial facilities, which emit at least 25,000 tons of GHGs, a year to obtain construction and operating permits covering these emissions. "These permits must demonstrate the use of best available control technologies and energy efficiency measures to minimize GHG emissions when facilities are constructed or significantly modified." According to the EPA's proposed rule, these large facilities would include power plants, refineries, and factories. Small businesses such as farms, restaurants and many other types of small facilities would not be included in these requirements. Click to see the proposed rules or for more information: <http://www.epa.gov/nsr>

EFCA

Employee Free Choice Act (EFCA) ([H.R. 1409](#), [S. 560](#))

A proposal to enact a "card check" system for unionization is still pending in the United States Congress. The Employee Free Choice Act is one of the major objectives of organized labor groups, and it continues to have the full backing of President Obama. Speaking recently at both a Labor Day union rally and at

the AFL-CIO's national meeting, the President expressed his continued support for seeing that this legislation be enacted. One new development related to the legislation is that the AFL-CIO has signaled it may be willing to accept an EFCA bill without a "card check" provision. However, anti-EFCA groups are wary that this represents any significant concession on the part of organized labor. W.Va. Chamber members, both large and small...and from all business sectors, continue to be overwhelmingly (85 percent) opposed to EFCA.

EFCA Positions of W.Va.'s Delegation:

Congressmen Mollohan and Rahall are co-sponsors of HR 1409 ([Source: Thomas](#))

Congresswoman Shelley Moore Capito opposes HR 1409

Senators Byrd and Rockefeller are co-sponsors of S. 560 ([Source: Thomas](#))

W.Va. Chamber's EFCA policy paper – [click to read](#)

[H.R. 12](#): Paycheck Fairness Act

[H.R. 635](#) – National Commission on State Workers' Compensation Laws Act of 2009

[H.R. 3042](#), S. 1374 -- Federal Oversight, Reform, and Enforcement of the WARN ("FOREWARN") Act

[H.R. 2460](#); S. 1152 -- The Healthy Families Act (Mandated Paid Sick Leave)

[H.R. 3126](#) - Consumer Financial Protection Agency Act of 2009

Background – [click to read](#)

TAKE ACTION -- RESOURCES:

Contact information for W.Va.'s Congressional delegation: [click to read](#)

(Note: The most immediate way to get your voice heard is to call or send a fax to any of the D.C. offices.)

Vote For Business: West Virginia - <http://www.wvbusinessvoice.com/>