



## Federal Issues Report

October 15, 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.

### **W.Va. House Speaker To EPA: “Justice delayed is justice denied.”**

House Speaker Rick Thompson, D-Wayne, has issued the following statement about the EPA’s review process for coal mine permits (see other stories below):

#### ***Speaker Rick Thompson Calls for EPA to Speed Up - and Clean Up - Mining Permit Process***

*In the wake of a decision by the Environmental Protection Agency to subject 79 coal mining permit applications - twenty-three of which are in West Virginia - to further review, Speaker of the House Rick Thompson called on the EPA to speed up its permitting process and to work with coal operators to help them to comply with the Clean Water Act.*

*“It’s my understanding,” Thompson said, “that at least one of these permits has been under review for 10 years and will now be subject to even further study to determine if the project can go forward. I know that the EPA has an important job to do - but there’s an old and respected principal of law that states ‘justice delayed is justice denied.’ These coal companies - and the thousands of employees who work for them - deserve a process that is measured in days rather than decades and standards that all sides can follow and understand.”*

*Speaker Thompson praised Governor Joe Manchin’s leadership on this issues saying, “I support Governor Manchin’s efforts to get this process moving and to obtain clear-cut direction from the EPA. That is the right and fair thing to do.”*

*“The uncertainty and ambiguity that these companies are forced to contend with through the regulatory process are difficult in the best of times - but are simply unjustifiable and untenable in the midst of the worst economic recession we’ve experienced since the great depression” added Thompson. “We’re not saying that there should be no standards - we’re saying that the standards should be clear, unambiguous and attainable,” said Thompson. “We all want, deserve and expect clean drinking water and a clean environment” said Speaker Thompson, “but we also want, deserve and expect the light, warmth and power provided by West Virginia coal. Energy and electricity are not luxuries - they’re a necessity. West Virginia coal companies and their hard working employees deserve a permitting process that operates more swiftly and less capriciously.”*

### **Capito To Question EPA Administrator During Congressional Hearing**

Congresswoman Shelley Moore Capito is planning today to ask the head of the U.S. Environmental Protection Agency to clarify how and when the agency will deal with 79 delayed mining permits and

what its veto authority is on such decisions. EPA Administrator Lisa Jackson was scheduled to testify this morning before the House Transportation and Infrastructure Committee about the Clean Water Act. Click to read more: <http://www.dailymail.com/News/200910140886>

### **U.S. Corps Holding Public Meetings About Coal Mine Permits**

The U.S. Corps of Engineers is holding a series of public meetings this week on the topic of national coal mine permits. The Corps said it wants to receive public comments on the two proposals related to the use of Nationwide Permit (NWP) 21 in the nation's Appalachian region. NWP 21 authorizes discharges of dredged or fill material into waters of the United States for surface coal mining activities.. Hearings were held Tuesday in three locations – Charleston, Pikeville, Ky., and Knoxville, Tenn. More than 700 attendees filled the Civic Center Little Theatre in Charleston. And hearings will be held this evening in three other locations - Pittsburgh, Cambridge, Ohio, and Big Stone Gap, Va. [Click to read](#) a press release about the hearings.

Click to read more about Tuesday night's hearing in Charleston:  
<http://www.wvgazette.com/News/200910140016>

### **Rahall Tells U.S. Corps That EPA Review Is “Of Great Concern”**

Provided is a link to letter that Congressman Nick Rahall submitted this week to the U.S. Corps as part the hearings:

<http://www.rahall.house.gov/index.cfm?sectionid=10&parentid=5&sectiontree=5,10&itemid=1309>.

Rahall is Chairman of the U.S. House Committee on Natural Resources.

### **Senate Leaders Working To Merge Health Care Reform Bills**

White House officials and U.S. Senate leaders are working to craft health care reform legislation that will go to the full Senate for a vote. They are working to merge health care reform bills developed by the Senate Finance Committee and the Senate Health Committee. The key difference is that the Health Committee bill contains a public insurance option, while the Finance version does not. The U.S. House also is working to craft its own bill out of several versions for future floor action. In a new development this week, Senate Majority Leader Harry Reid testified at a congressional public hearing in favor of revoking health insurers' antitrust exemption.

Read More: CNN.com [“What Happens Next In Health Care Reform”](#)

### **W.Va. Chamber Defends Private-Sector Health Care Industry, Insurers**

During a town meeting on health care reform earlier this week in Charleston, Steve Roberts, President of the West Virginia Chamber of Commerce, took the opportunity to defend private-sector health care providers and insurers. Roberts was one of six panelists who provided comments on health care reform issues. Roberts told the attendees that he believes the price tag for the national health care reform proposals in Congress ranges from \$829 billion to \$1.2 trillion over the next 10 years. He noted that businesses and people would undoubtedly pay more. "Insurers are going to pay, the insured are going to pay and surely businesses are going to have to pay," he said. He reminded the group that most insured people who have private, employer-based insurance are satisfied with their care. Roberts also said he does not believe the private insurance community deserves the "whipping" it has received in the congressional proceedings.

**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 is pending 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](#)

## **Oppose the Consumer Financial Protection Agency Act**

Legislation is pending in Congress that would create a new government agency to regulate consumer financial products. The legislation is [H.R. 3126](#), the Consumer Financial Protection Agency (CFPA) Act. Unfortunately, this bill will do far more harm than good.

The bill would replace personal choice with federal bureaucrats who would decide the types of financial products and services that a person can choose to own, buy, or sell. Instead of a common sense approach to improving consumer protection, this proposal will restrict access to credit and affordable financial products, impose vast new regulations and costs on businesses, and ultimately harm the economy at exactly the time when signs of a recovery are on the horizon.

The bill also would affect virtually every business. If your business allows customers to pay with credit, to use a lay-away program, or even to pay in more than one installment, then your business would face significant new regulation. Even businesses that are indirectly related to consumer finance, such as sellers of gift cards, advertisers, accountants, homebuilders, utilities and internet providers, will be covered by this sweeping new law.

In addition, the bill would give the government authority to request and hold information about a person's bank accounts from financial institutions, including how much money is in each account. This is a drastic affront on the privacy and security of a person's financial information.

Efforts to enhance consumer protection should focus on weeding out fraudulent actors and predatory products and ensuring consumers have access to clear and concise information about the terms and conditions of products, and the risks they pose. However, this bill actually weakens consumer protection by allowing government to dictate the financial products you can choose, adding new layers of government bureaucracy, imposing new costs on taxpayers, consumers and businesses, and threatening the privacy of personal financial information.

[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)

## **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/>