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Striking a Balance: Modifying the Appalachian Community Health Emergency Act (/full- blog/2013/05/striking-balance-modifying- appalachian.html)



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By: Maegan Pirtle, Staff Member

Earlier this year, John Yarmuth (KY-3) and Louise Slaughter (NY-25) introduced the Appalachian Community Health Emergency Act (H.R. 526) that would impose a moratorium on new mountaintop removal mining permits until the health consequences to proximate communities are systematically studied.[1] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftn1) The bill cites a growing body of research suggesting a link between mountaintop removal mining and elevated risks of serious health problems, including chronic diseases and birth defects. [2] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftn2) The bill would also assess a fee on those engaged in mountaintop removal operations in order to fund the required health studies.[3] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftn3)

Environmentalists view the ACHE Act as a “no brainer”[4] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftn4) and hope the bill is a first step in ending what they describe as a “human rights/human health disaster.”[5] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftn5) The coal industry criticized the studies cited by Yarmouth and other environmentalists, arguing that there is inadequate evidence to support finding a strong link between “mining and the chronic health conditions present in Appalachia.”[6]

Until systematic research produces more concrete answers, the issue will be who bears the burden of proof in determining whether mountaintop removal should be prohibited.[7] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftn7) Yarmouth argues that “[i]f it can’t be proven that mountaintop removal mining is safe, we shouldn’t allow it to continue.”[8] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftn8) On the other hand, it is arguably more reasonable to only place a moratorium on mountaintop removal operations once studies have conclusively shown that increased health risks in certain populations are directly related to these mining operations.

The ACHE Act could be modified to find a balance between these competing positions by still requiring coal companies to pay a fee to help fund further studies, but only imposing a moratorium once those studies show an indisputable connection between mountaintop removal and the health problems of nearby communities.

[1] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftnf1) Reps. Yarmouth, Slaughter Introduce Bill to Study the Health Consequences of Mountaintop Removal Coal Mining (Feb. 6, 2013), Congressman John Yarmouth, <http://yarmouth.house.gov/press/rep-yarmouth-slaughter-introduce-bill-to-study-health-consequences-of-mountaintop-removal-coal-mining>.

[2] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftnf2) Appalachian Community Health Emergency Act, H.R. 526, 113th Cong. § 4 (2013).

[3] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftnf3) Appalachian Community Health Emergency Act, H.R. 526, 113th Cong. § 6 (2013).

[4] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftnf4) Jeff Biggers, Will Congress Finally Deal with the Health Emergency of Mountaintop Removal?, Common Dreams (Feb. 8, 2013), <http://www.commondreams.org/view/2013/02/08-1>.

[5] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftnf5) Appalachian Community Health Emergency, <http://acheact.org>.

[6] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftnf6) Ken Ward, Jr., Coal-backed Research Takes on Mining Health Studies, The Charleston Gazette (Apr. 20, 2013), <http://www.wgaette.com/News/2013/04/20/0057?page=1>.

[7] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftnf7) Id.

[8] (http://www.blogger.com/blogger.g?blogID=8202935745006855383#_ftnf8) Jeff Biggers, Will Congress Finally Deal with the Health Emergency of Mountaintop Removal?, Common Dreams (Feb. 8, 2013), <http://www.commondreams.org/view/2013/02/08-1>.

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