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Monday [thousands of people](#) converged on Washington, D.C. for the [Appalachia Rising Rally](#) to protest [mountaintop removal](#) (MTR) coal mining. Activists dumped 1,000 pounds of Appalachia dirt on EPA's front lawn before marching on the White House. At a sit-in at PNC bank, four people were [arrested](#) while protesting that bank's financing of MTR coal mining. About a hundred more, including Dr. James Hansen, retired coal miners, and Appalachian residents, were [arrested](#) for refusing to leave the sidewalk in front of the White House.

At the top of the protest agenda is [EPA's review](#) of the Spruce Mine permit. EPA has authority under the Clean Water Act to veto the Spruce Mine MTR permit that was issued by the U.S. Army Corps of Engineers. Last year, for the first time in 37 years, EPA put that permit on hold pending its environmental review. In response, the [West Virginia Coal Association](#) objected that "EPA has declared war on Appalachian Coal."

Spruce Mine was the largest proposal to date for MTR mining (the permit has since been scaled back, but still encompasses over 2200 acres). The environmental damage that would occur is abundantly clear and not in serious dispute. MTR involves carving off the tops of mountains and dumping them into Appalachian valley streams; the resulting sediment, coal debris and toxic mining substances destroy vast swathes of stream habitat. Or as EPA blandly describes it, the Spruce Mine project "may contribute to the cumulative loss of water quality, aquatic and forest resources." Even the West Virginia Coal Association devotes little energy to defending the environmental integrity of the project, instead citing its prior concessions concerning the size of the project and emphasizing the project's potential for job creation.

In one sense, the West Virginia Coal Association is correct: strictly enforcing existing environmental regulations on coal mining is declaring war on coal. The economics of MTR coal mining rely on negative externalities: health impacts, environmental impacts, and cheap labor supply. Coal could never compete with wind, solar or natural gas without these avoided costs. Much of the coal labor in West Virginia today comes from cheaper, non-union, out-of-state workers, and coal miners have

never been adequately compensated for the dangers they face every day.

The fallacy promoted by supporters of MTR coal mining is that the coal industry deserves special treatment because it provides jobs in West Virginia, no matter how dangerous or environmentally harmful those jobs are. West Virginia Governor Joe Manchin, for example, calls EPA's action "excessive red tape" that hinders Americans' ability to "have a good job, make a decent wage, and provide for their family." And West Virginia Department of Environmental Protection believes that "at some point, a project must be deemed to have been studied enough to meet NEPA's requirements." But NEPA was never meant to only throw red tape at industry proposals. NEPA's purpose is to provide an opportunity for regulators to obtain information necessary for them to properly evaluate industry proposals. At some point, a project must be deemed to have been studied enough to determine that it would violate America's environmental laws.

And so, it is no coincidence that climate scientist Dr. James Hansen was among the protesters arrested at Appalachia Rising. The burning of coal is a great target for climate regulation because eliminating coal emissions will eliminate coal's significant negative externalities. If we cannot even the economic playing field between coal and renewable energy alternatives, there is little hope of averting dangerous climate change in the near future. Enforcing our existing environmental laws would be a great first step.

The EPA Region 3 Administrator, Shawn Garvin, sent his recommendation concerning the Spruce Mine MTR permit to EPA headquarters on September 24. But EPA will not make that recommendation public, pending its final decision sometime this fall.

To learn more about the legal fight against harmful environmental practices in the coal mining industry, check out the [Appalachian Center for the Economy & the Environment](#).