

8 January 2010

Ms. Schoof:

In the roughly two dozen years I've been working in media relations in this town I can't recall a more egregious example of irresponsible journalism than your piece yesterday, "After review, scientists urge ..."

By any reasonable standards of objectivity, this article failed its readers by failing any minimal standards of objectivity. Quoting the views of the regulators of an industry does not constitute adequate representation of the industry's practices that are under attack.

Despite faithfully repeating as fact questionable claims in this "study", you nowhere cite a single contrary opinion from the industry, from labor unions, from local communities – thus contributing to the impression that this "study" is holy writ. This omission would normally be remarkable; it's dumbfounding in this case.

Far from a scientific study, this was a review of existing literature, and a highly selective one at that: authors *themselves* state it is a "worse case" scenario, i.e. cherry-picked to deliver an opinion formed at the outset. The chief author has testified in litigation against mining on behalf of environmental groups. Why wasn't this mentioned? Nor was the central conclusion of the government's 5,000-page programmatic EIS on mountaintop mining (2003) mentioned: i.e. documented impacts below valley fill operations did not contribute to significant degradation of the waters of the U.S.

In short, this was as much advocacy as science – much as your article was closer to advocacy than journalism.

From an admittedly selective reading of literature the authors infer that banning an entire industry surface mining practice wholesale is warranted. Interestingly, the Obama administration approved two surface mining permits you mention, thus implicitly acknowledging that MTM is compatible with environmental protection when conducted appropriately. The administration – i.e. professionals at the EPA -- did not recommend banning this practice, merely altering it in some instances.

If the "evidence is so clear cut" to justify banning surface mining, why do both Democrats and Republican members of Congress support it?

Nowhere do the authors, let alone you, suggest that just possibly the strong correlation typically found among poverty, lifestyle and human health factors may somehow play a part in the phenomenon described in Appalachia. The U.S. Center for Disease Control has telling evidence of the lifestyle and related health impacts in these states had you bothered to consult CDC's website.

Re poverty, the surface mining industry employs thousands of men and women in this region, paying salaries averaging up to \$65,000 annually – far higher than the average for these states – which alone do much to attenuate poverty in mining communities. The revenue from surface mining operations contributes significantly to public welfare programs – from education to

health care – revenue that is often vital to these communities. Could this be part of the “balance” Congress intended when it passed SMCRA?

The Marshall University study, a comprehensive assessment of the contributions of coal mining in Appalachia, found that the implications of banning surface mining would be so ruinous to these communities that a federal lower court stayed a decision because of feared consequences from the absence of mining revenue and the hardships this would impose.

Palmer warns of the failure of mitigation to restore watersheds; yet neither she let alone you bother to mention that there is no legal requirement under the law to meet water quality standards. Mitigation is required to offset the impacts of mining in these watersheds, and it has done so successfully as measured under current law, as the appellate courts have upheld. By the way, run off in steep terrain is an obvious, perennial source of water quality problems.

Aside from being entirely one-sided, your piece is needlessly tendentious. One example: MTM is described as having “increased because it’s good for coal companies’ bottom line.” I expect such a cavalier, unchallenged assertion from an environmental advocacy organization, not from a news service. Put aside the fact that if industries don’t do things “good for their bottom line” they won’t be in business, i.e. won’t be employers – as your own industry sadly illustrates. What about the incandescently obvious explanation for increased surface mining: over the past six years there has been record-breaking demand for coal? Just possibly more demand had something to do with more surface mining production. MTM has also increased because the technology has evolved since the late 1970s to access coal seams in a way that extracts far more of the resource (95-plus percent) i.e. less wastefully, than is typical in traditional room and pillar mining (about 65 percent) – and surface mining also happens to be safer.

If anyone is looking for a reason why readership is fleeing traditional print journalism, your piece offers compelling evidence.

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