# The Order of the Earth News, Views and Musings About Our Planet August 2010

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Photo by Cathy Pedler

The top photo shows what a forest SHOULD look like — the Allegheny River at twilight from the Tracy Ridge section of the North Country Trail. The bottom map shows what's happening in Pennsylvania's only national forest.

# Five Gas Wells Planned

Documents Outline Plans for Marcellus Shale Gas Wells in Allegheny National Forest

By Cathy Pedler, Forest Watch Coordinator More Hellbender News: July 2, 2010

Documents from a Freedom of Information Act (FOIA) request by the Allegheny Defense Project (ADP) show that there are currently plans for five Marcellus Shale gas wells on the public lands of the Allegheny National Forest (ANF).

Three of the wells are planned by East Resources (Royal Dutch Shell) including,

1) One well in the Glad Run

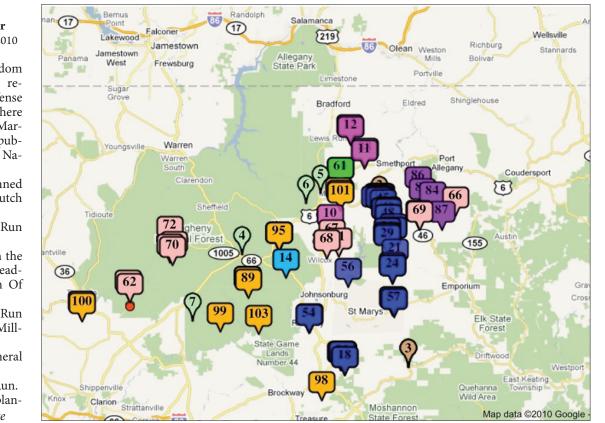




Photo by Cathy Pedler Old oil tank from previous oil and gas activity in the forest.

# NORTH COUNTRY Adventure

NCT Allegheny 100 Challenge helps raise money to protect the forest

**By Cathy Pedler** Forest Watch Coordinator More Hellbender News: July 2, 2010

The adventure started June 18th at the North Country Trail Head (NCT) on Route 346 near the New York border. John Stoneman, of Allegheny Outdoor Adventures, and I arrived just as the other hikers were starting out. Boots hit the trail at 6 p.m. sharp. The event was the North Country National Trail ANF (Allegheny National Forest) Chapter's Allegheny 100 Challenge. Hikers were traveling between 25 and 100 miles on the North Country Trail (NCT) in the Alleghenv National Forest between June 18 and June 20 to raise money to protect the forest. (If you would like to contribute, please send checks to: Allegheny Defense Project, 117 West Wood Lane, Kane, PA 16735.)

Now, on with the story. John, more competitive Chappel Bay that evening (a full 25 miles). Our plan was to hike at night but to be off the trail and back to Tracy Ridge for camping by 10 or 11 p.m.

The sunset hike was beautiful. The water reflected and magnified the evening light, fortunately long into the twilight. The trail was relatively easy except for a few inclines that caused my heart and lungs to jump out of my body and smack me around for using them without sufficient warning.

We eventually caught up with some of the hikers who were resting at one of the trail's many springs and streamlets that trickle down to the Allegheny River Reservoir. We passed the hikers for a short time but regrouped with them after dark, posing for a picture by an abandoned artifact from previous episodes of human stupidity in the Allegheny (see picture on next page). Oil and gas debris became a theme on Day Two of my hike in the Tionesta Scenic and Research Natural Areas, where we were looking for Pogonias but kept stumbling onto pipes and tanks. As it does, the sun finally left us and night came in full. There were moonbeams dappling the path. Unfortunately, John and I (who had again fallen away from the hiking group at the insistence of my internal organs) had turned Continued on next page

a) One well in the Glad Run watershed,

2) One well on FR 444 in the Chaffee Run watershed (headwaters of the South Branch Of Tionesta Creek), and

3) One well in the Log Run watershed (East Branch of Mill-stone Creek).

And Pennsylvania General Energy is planning::

4) One well on Coalbed Run. Plus Hanley & Bird is plan-*Continued on next page*  and in shape than I, would have burned the trail up with the rest of the group but he was kind enough to take a more leisurely pace with me. I had only committed to 25 miles rather than pushing for 100. We had parked a car at Sugar Bay planning to at least hike the entire Tracy Ridge section that evening but some of the other hikers were going to try to make it all the way to



in a blue wicker chair in the white sun hearing the hum of time in August's insects' stretching notes – in the wind, too, the trees' crackling and the air, cool and dry while all others rest quietly aware

> By Sandy Chilcote Newfoundland, Canada

Submitted with the following note: *Earth from space is like my grandmother's old blue wicker chair that was painted blue enamel over the old white enamel.* 

The Order of the Earth 21431 Marlin Circle Shade Gap, Pennsylvania 17255

# Fossils Show Arctic Near Climate Tipping Point

BOULDER, Colorado, June 29, 2010 (ENS) — Current levels of Earth's atmospheric carbon dioxide may be high enough to bring about "irreversible" shifts in Arctic ecosystems, according to new research published today by scientists from the United States, Canada and The Netherlands.

The Arctic climate system is more sensitive to greenhouse warming than previously known said the researchers, who gathered evidence on what is now Ellesmere Island in Canada's High Arctic from a time period 2.6 to 5.3 million years ago. This period, known as the Pliocene Epoch, occurred shortly before Earth was plunged into an ice age.

"Our findings indicate that CO<sub>2</sub> levels of approximately 400 parts per million are sufficient to produce mean annual temperatures in the High Arctic of approximately zero degrees Celsius (32 degrees F.)," said lead author Ashley Ballantyne of the University of Colorado at Boulder.

"As temperatures approach zero degrees Celsius, it becomes exceedingly difficult to maintain permanent sea and glacial ice in the Arctic. Thus current levels of  $CO_2$  in the atmosphere of approximately 390 parts per million may be approaching a tipping point for irreversible ice-free conditions in the Arctic," Dr. Ballantyne warned.

The research team points out that the overwhelming majority of climate scientists agree Earth is warming due to increased atmospheric concentrations of heat-trapping gases generated



Photo by Cam17

Ellesmere Island natural ice sculptures like this may soon be history.

by human activities like fossil-fuel burning and defore station.

Arctic temperatures have risen by about 1.8 degrees F. (1 degree C.) in the past two decades in response to human-caused greenhouse warming, a trend expected to continue in the coming decades and centuries, said Ballantyne.

Greenhouse gases in the atmosphere have risen from about 280 parts per million during the pre-industrial era on Earth to about 390 parts per million today.

Environmental advocates are calling on governments negotiating the next climate treaty *Continued on page 7* 

# The Order of the Earth: August 2010, Page 2 Forests



Photo by Cathy Pedler The photo above shows stream water being pumped out to be used by gas drillers. The pipe below is becoming a common sight in our national forest.

# Five Gas Wells

*Continued from page 1* ning: (5) One well on Pine Run (headwaters of Big Mill Creek).

In addition to these five wells there are nine wells in the footprint of the ANF on private inholdings or on State Gamelands. There are a total of 92 Marcellus Shale gas wells in the four county area of the ANF, including Warren, Forest, McKean, and Elk counties. The map on page 1 plots the Marcellus Shale gas well drilling sites with well and company data. This map also shows some of the water withdrawal locations for Pennsylvania Energy (PGE) and Seneca Resources (AKA National Fuel Gas).

The Elk State Forest has been hit hard by Marcellus Shale gas well drilling with 16 wells on this forest's state public land. The table on page 8 illustrates company operation, location and numbers of well permits.

ADP was scheduled to conduct a file review on July 8<sup>th</sup> at the Northwest Office of the Pennsylvania Department of Environmental Protection (DEP) of all of the water withdrawal points for companies operating in northwestern Pennsylvania. Keep posted for further details.

[Ed.: This is YOUR forest; do you like this drilling going on? Join ADP at alleghenydefense.org.]



Photo by U.S. Fish and Wildlife Service The endangered small whorled pogonia is a member of the orchid family.

The small whorled pogonia, a member of the orchid family, is a threatened species. It usually has a single grayish-green stem that grows about 10 inches tall when in flower and about 14 inches when bearing fruit. The plant is named for the whorl of five or six leaves near the top of the stem and beneath the flower. The leaves are grayishgreen and 1 to 3.5 inches long. The single or paired greenish-yellow flowers are about 0.5 to 1 inch long and appear in May or June. The fruit, an upright ellipsoid capsule, appears later in the year. Identifying, protecting and restoring endangered and threatened species is the primary objective of the U.S. Fish and Wildlife Service's endangered species program.

## ADVENTURE

Continued from page 1

to admire the moonlight. We missed our turnoff to Sugar Bay and proceeded unwittingly toward the Hopewell Camping area. John took a nice spill on the way down to Hopewell but caught himself with his forehead on a large, flat log. He shook it off pretty well. After we discovered our mistake at Hopewell and turned around to hike back to our missed turn (adding another few miles to our evening adventure), I took a tumble going uphill, which is a lot harder to do but hurts less than the way John did it. Eventually, we made it out to Route 321, to the car and to Tracy Ridge for a dinner of cheese curds and Pringles. It was sometime after 1 p.m. We were bruised and beat. John looked forward to his hot-tub. I looked forward to 10 more miles the next day. Bill Belitskus, ADP's board president, met me the next day at 10:30 a.m. near the Tionesta Scenic and Research Natural Areas. We decided to drop a car at our end point near Route 948 on FR 148 at Cherry Run. On the way back to drop a car, we decided to try to find one of the five Marcellus Shale gas well sites planned by East Resources (leases now owned by Royal Dutch Shell) on FR 444 near the west intersection of Routes 948 and 66. We found the well site a short distance in on FR 444. The site was marked for clear-cut for the 15-plus-acre areas needed for each drilling operation. These drilling operations will permanently alter the landscape, take and contaminate millions of gallons of water for each operation, disrupt underground aquifers and seriously degrade air quality. In addition to the five Marcellus Shale gas wells planned for ANF lands there are at least nine more on private in-holdings within the footprint of the ANF and many more in the surrounding counties (see "Five Marcellus Shale Gas Wells" on page 1). As Bill and I travelled on to the Tionesta Scenic and Research Natural Areas we passed other notable scenes of interest, including a National Fuel Gas (a/k/a Seneca Resources) Pipeline and a fine example of the U.S. Forest Service's use of Monsanto's broad-spectrum, non-selective





Photo by Cathy Pedler

The group which hiked in the Allegheny National Forest to look for endangered Small Whorled Pogonias and to raise money to support their volunteer work. To the right, Bill Belitskus shows the blue blaze on a tree in the forest marking the path littered by gas drilling pipes on the ground.

systemic herbicide, glyphosate. Eventually, we found our NCT Trail Head, parked the car and began our hike keeping our eyes to the ground looking for Pogonias. The trail was pleasant, the day was cool and our heads were down searching. It didn't take us long before we had turned down a resource extraction road instead of the NCT.

We backtracked looking for the NCT blue blaze. The difficulty in the Allegheny is that with 3,500 miles of roads at a density greater than many urban areas it is easy to lose your way in the maze of forest scars. The trail system used currently on the ANF only requires a blaze every so often to affirm for the hikers that they are still on course (see photo at right, of Bill Belitskus, a blue blaze on a cherry tree and old metal oil and gas pipe). In the ANF this system presents a problem for all but the extremely vigilant blaze watchers. Hikers on the ANF should always be prepared with topographic quad maps and a compass (and/or GPS). We had topos and compass and my trusty dowsing pendulum for extra safety.

Part of our trail wove through the old-growth area hit by a tornado in 1985. Large areas of thicket grow around the rotting carcasses of ancient trees, which serve as nurse logs for seedlings and nutrient for mycelium and fungus. With the exception of not focusing on high-value timber species, the forest and the tornado have accomplished some of the same forest conditions the U.S. Forest Service manages for but without herbicides, clear-cuts or prescribed burning.

From the trail we didn't see much of anything that looked like a Small Whorled Pogonia (*Isotria medeoloides*) until we entered the Cherry Run Watershed. Here we saw several thick-stemmed plants that resembled Cucumber Root (*Medeola virginiana*) but without the Pogonia flower we could not make a positive identification. Cucumber Root has a thin stem but Small Whorled Pogonias have a thick stem. The non-flowering plants look similar.

We passed magnificent rock areas with fern and hemlock and some beautiful clear springs that form the headwaters of Cherry Run.

At some point on our journey as we were wandering around looking for blue blazes, we found that we were not alone. In the mud of the sidetrack we were on, we found fresh bear tracks. We looked twice at the larger footprint, which at a quick glance looked human.

Not long after, as Bill and I became distracted chatting about U.S. Forest Service shenanigans, dodging old oil and gas infrastructure, surveying trail edges for Pogonias and trying to keep a decent pace to get down the trail, that ancient sense of something approaching from behind came on me. I turned quickly probably looking like I was about to be run down by a rabid bear or an angry oil man. But, it was one of the 100-mile NCT hard-core hikers, Michael from Ohio, who was burning up the trail behind us. He had hiked from the New York border to where we were, close to Cherry Run. Very impressive!

As we hiked closer to the intersection of Cherry Run and the South Branch of Tionesta Creek we began to hear the gutwrenching sound of new oil and gas activity. This time it was the constant roar of a compressor engine in one of Arthur Stewart's Duhring Resources drilling areas.

Duhring's drilling areas appear to be some of the worst in the Forest. Directly beside the NCT were tank batteries, compressors, well pads, roads, pump jacks and water-withdrawal equipment. You can distinguish Duhring's pump jacks from those of other companies because he covers the



pump engines with blue plastic

tubs. We could see new well pads

and roads from the trail. Some

of the areas that were already in

operation with pump jacks had

piles of logs on the backside of

the pads. This was something I

had not seen before on the ANF.

Typically, the timber is marked

and removed, the revenue from

the cut going to U.S. citizens.

However, these trees had been

files we had reviewed showing

Duhring's complete disregard

for the public's surface resources,

including the timber. In his cor-

respondence with the U.S. Forest

Service Duhring threatened to

get the trees out of the way that

were interfering with his access

to the mineral estate. From the

appearance of the timber piles on

old Maple caught my attention.

He was very old and large. His

feet were in the creek. A com-

pletely-healed, counterclockwise

spiral wound showed that this

tough old tree had recovered

from a lightning strike. Lately,

the presence of the tough, old

and scarred trees that have sur-

Near the end of our hike, an

the well pads, he did just that.

Bill reminded me of the

cut and piled.

vived battles and wounds are my inspiration to keep up the fight against our human ignorance and self-destructive behavioral patterns. For Bill and me the North

For Bill and me, the North Country Trail ended at his green truck (which was a welcome sight) parked near the trail head at Cherry Run.

We had not found what we were looking for but we put the trail under our feet and found more of what we know needs to stop in order for species like the Small Whorled Pogonia, and us, to survive.



Photo by Cathy Pedler Ferns are part of forest life, too.

## Is There Any Way Out of This Mess?

From <u>Endgame</u> by Derrick Jensen (2006)

In <u>The Culture of Make</u> <u>Believe</u>, I approached the question of the culture's essential destructiveness and its death urge from an entirely different direction, exploring the mutually reinforcing interplay of an economic and social system based on competition; the belief that humans are the apex of creation and our culture is the apex of this apex (it's always been pretty clear to me that all of evolution has taken place simply to bring me into existence, so that I can watch television); the valuing of material production over all else, including (most especially) life; the consistent preference for abstraction over the particular (manifesting, to provide three quick examples among many, as the promulgation of moral systems based on abstract principles rather than circumstances; as the flood of pornography (abstract images of naked women on the Internet account for \$90 billion in revenue per year, making porn the number one cash generator online, accounting for 13 percent of all revenue) and, as the ability and proclivity to kill at evergreater psychic and physical distances) and the increasing bureaucratization of this society.

I showed how all of these vectors come together to lead ineluctably to the attempted elimination of all diversity, to the attempted killing of the planet and to the increasingly routine mass murder of fellow humans (and of course nonhumans).

I'm taking a more fundamental approach here to understanding the reasons for the implacability of this culture's violence and I'm discovering that just as all roads lead, as the saying goes, to Rome, all pathways here lead to the perception and articulation of civilization's basis in exploitation. In other words, it doesn't really matter whether we're talking about the psychological, social/economic or physical/resource levels (none of which are separable anyway), we come to the same conclusion. To put this yet another way, the micro manifests the macro, which mirrors back the micro. Or to change terms once again, we're in trouble and we need to figure out what we're going to do about it.

Because every city-state (and now the entire globally interconnected industrial economy) relies on imported resources, our entire culture's basis in exploitation must remain in place no matter how spiritual, enlightened or peaceful we may seem to ourselves, may claim to be, or may in fact personally become. This basis in violence is in place no matter whether or not we choose to acknowledge it. It is in place whether or not we call ourselves peace-loving and whether or not we tell ourselves (each time) that we are fighting to bring freedom, democracy and prosperity to people who, unaccountably, often do not seem to want what we have to offer. Stripped of all lies, we are fighting, or rather killing ,to take their resources.

(Remember Premise Four: "Civilization is based on a clearly defined and widely accepted yet often unarticulated hierarchy. Violence done by those higher on the hierarchy to those lower is nearly always invisible, that is, unnoticed. When it is noticed, it is fully rationalized. Violence done by those lower on the hierarchy to those higher is unthinkable and when it does occur is regarded



with shock, horror and the fetishization of the victims.") More precisely, those in power are doing so. More precisely yet, those in power are ordering their servants to do so, servants who have bought into the belief that those in power are entitled to take these resources.

This culture has killed a lot of people and will continue to do so until it collapses and probably long after. It must, because these killings inhere in the structure and physical needs of the society, and so are not amenable to change.

Appeals to conscience, to humanity, to decency, are thus doomed even before they're made (and in fact can be harmful insofar as they allow all of us – from presidents to CEOs to generals to soldiers to activists to people who don't much think about it – to pretend those in power could maintain that power without violence and that the material production on which the entire culture is based could continue also without violence), not only because those in power have shown themselves - similarly to abusers in family violence, for similar reasons - eager to commit precisely as much violence as they can get away with and, not only because those in power have shown themselves psychologically impervious to such appeals (Dear Adolf, Please don't hurt the Jews, nor take land from the Slavs or Russians. Be a pal, okay?), but more importantly – and more implacably – the institutions these individuals serve are functionally just as impervious to the appeals as the individuals are psychologically. They need the resources and will get them, come the hell of depleted-uranium-induced malformations or the high water of melted ice caps. All of this means that movements for peace are damned before they start because unless they're willing to unmake the roots of this culture, and thus the roots of the violence, they can at best address superficial causes and thus, at best, provide palliation.

There are many superficial causes of the culture's violence. There is the fact that those who make the political decisions that guide this culture are more interested in increasing their own personal power and the power of the state than they are in human and nonhuman well-being.

Another way to say this is that gaining and maintaining access to resources and facilitating production are more important to them than life. Another way to say this is that power is more important to them than life. Another way to say this is that they are insane. If this were a root of the problem instead of a superficial manifestation, we could undermine the violence of this culture by simply replacing these decision-makers with those more reasonable, with those more sane, with those more humane, with those more human.

But imagine if an American president decided tomorrow that the U.S. would no longer allow corporations to take oil from any region where the people themselves (not the government) did not want to relinquish it. The same would hold for metals, fish, meat, wood. Everything. What's more, no resources would be extracted if their removal would harm the natural world in any way.

In other words, the president decided to put in place a truly non-exploitative, sustainable economy, the sort of economy all but psychopaths would say they want, the sort of economy that environmental and social justice activists say they're working toward. Presuming Congress and the Supreme Court went along – an extraordinarily dubious presumption – and presuming the president wasn't assassinated by CIA operatives or oil or other company hirelings – even more dubious – prices would skyrocket, the American way of life would implode and riots would (probably) fill the streets. The economy would collapse. Soon, the president's head would be displayed atop the fence at 1600 Pennsylvania Avenue.

The point is that the only people fit to be President are those who can institute policies that value economic production over life. A sane and humane person would not and could not last in that position.

### **Email from Derrick**

I have a new book out. It's called <u>Resistance Against Empire</u>. It's published by Flashpoint/PM Press. Like <u>How</u> <u>Shall I Live My Life and Listening to the Land</u>, it's a collection of interviews. It's now available on my Web site and should be available very soon in bookstores. Here is the description:

A scathing indictment of U.S. domestic and foreign policy, this collection of interviews gathers incendiary insights from 10 of today's most experienced and knowledgeable activists. Whether it's Ramsey Clark describing the long history of military in-vasion, Alfred McCoy detailing the relationship between CIA activities and the increase in the global heroin trade, Stephen Schwartz reporting the obscene costs of nuclear armaments or Katharine Albrecht tracing the horrors of the modern surveillance state, this investigation of global governance is sure to inform, engage and incite readers.

## Global in Scope, "Down-Home" in Nature

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### The Order of the Earth News, Views and Musings About Our Planet

**Our Goal:** To provide people with news to help bring their hearts and lives back into harmony with Nature and with Most High God and his Trustworthy And True Living Spirits, Most High's Council of Elders as found below. We are also a community of activists, writers, poets and others who care about the future of the planet and we work together to nurture each other in various ways.

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**The Dream:** Humans can co-exist with Nature and, once they do, both will flourish.

**Masthead:** We say "Volume 10" because Iona started producing a newsletter with the same name ten years ago. In 1995 she wrote a tiny booklet called "The Order of the Earth" and, with friends' help, made and gave away 11,000 of them. This newspaper is an expansion of that work. The photo in our masthead is the ocean in Bay Head, New Jersey taken last Mother's Day.

### Most High's Council of Elders

LOVE	PATIENCE	COMFORT
TRUTH	TOLERANCE	HONESTY
WISDOM	JUSTICE	THANKS
COUNSEL	FAIRNESS	TRUST
UNDERSTANDING	JOY	CONFIDENCE
KINDNESS	CHARITY	HOPE
COMPASSION	GENEROSITY	SECURITY
PEACE	HONOR	MERCY
MODESTY	FRIENDSHIP	CHIVALRY
HUMILITY	GIVING	RESPECT
INNOCENCE	RECEIVING	GENTLENESS
FORGIVENESS	RESPONSIBILITY	GOODNESS
RIGHTEOUSNESS	SHARING	CHOICEetc.

### DEADLINE FOR ALL SUBMISSIONS: 10TH OF THE PREVIOUS MONTH

First Amendment to the U. S. Constitution: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.

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I no longer believe we can use the system to change the system. Let it all fall apart. I no longer want to live in their world so I must create/find my own.

--- Kim Stenley, Taneytown MD

### The Order of the Earth: August 2010, Page 4 News

# Maine Town Nullifies **Rights of Corporations**

Monroe enacts law asserting that right of people to govern their community is superior to legal claims that corporations are "persons" with constitutional rights.

Submitted by Ben Price Community Environmental Legal Defense Fund, Chambersburg PA June 17, 2010

MONROE, Maine – On Monday night, June 14<sup>th</sup>, 2010, residents at Town Meeting in Monroe, Maine voted 40 to 27 to adopt a local ordinance that declares that corporations doing business within the Town are not "people" with unalienable rights.

Seth Yentes, planning board member, and Allyn Beecher stood to answer questions about the ordinance. "Our Declaration of Independence says that people are born with unalienable rights and that the purpose of government is to protect those rights," said Beecher after the meeting. "Corporations are not born; they are created by the state in the name of the people. By issuing charters of incorporation on behalf of the people, the state grants limited and temporary privileges that allow a corporation to mimic certain human legal behavior. But the state has no authority to bestow constitutional rights intended for real people in a way that allows corporations to compete with or deprive us of our rights."

The practical implications of the law are significant. The Town Select Board and the people at Town Meeting can adopt laws that promote sustainable practices and development based on the aspirations of the community, rather than bowing to the claims of corporate lawyers that local laws may not "interfere" with corporate priorities. In addition, corporate representatives cannot claim to have "legal standing" that obliges the Town to allow them equal rights to testify and influence local decision-making.

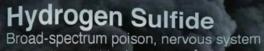
people as the source of governing authority and that corporations are "creatures of the state," created with the people's blessing, without unalienable rights. As such, their activities are subject to governance by the community in which they operate.

Both Yentes and Beecher have attended the Democracy School, a program run by the Community Environmental Legal Defense Fund that examines the history of corporate "rights" and the harm to people's governing authority that has resulted from the U.S. Supreme Court endowing corporate property with constitutional rights intended for living people.

The ordinance, written by Allyn Beecher, took language and direction from several ordinances passed in other New England towns that were drafted by the Legal Defense Fund. Beecher spent over a year to complete the ordinance draft, meet with planning board members and selectmen, share the document with lawyers and gather signatures to qualify the ordinance to be placed onto the warrant.

Beecher, Yentes, Planning Board member Lvnn Biebel and town librarian, Martha Goodale, helped to provide information and gain support from the community. Over the past year, Beecher and Goodale were instrumental in driving the message that this ordinance speaks to the importance of protecting the community's ability to decide what happens within Monroe. "Self Government and consent of the governed mean that the people affected by governing decisions, and not the corporations that profit from them, have created the laws and support the laws that govern them," commented Beecher.

The rights-based document does not restrict legitimate businesses from engaging in lawful activities within the Town of Monroe, nor does it have any impact unless the rights of the people or the health, safety and welfare of members of the community are threatened by corporations that attempt to assert constitutional authority. The local law places the rights of people and communities above the legal privileges bestowed on corporations by the state.



most affected, blocks oxygen from binding and stops cellular respiration.

### Benzene

Confirmed human carcinogen, leukemia, cancer of the lymph system, lung cancer and bladder cancer.

### **Methylene** Chloride

Affects central nervous system, liver, cardiovasclular system, blood, irritation to skin, eyes, respiratory tract. Cancer hazard

> Deesillustration.con Artwork by David Dees

These poisonous gases are being released from the Gulf oil spill. BP poisoned the water, the air, the animals, the people. Why are they still in business?

# **BP Texas Refinery Had Huge Toxic Release Just Before Gulf Blowout**

#### By Ryan Knutson ProPublica: July 1, 2010

This story is part of an ongoing collaboration between Pro-Publica and FRONTLINE (PBS).

TEXAS CITY, Texas — Two weeks before the blowout in the Gulf of Mexico, the huge, trouble-plagued BP refinery in this coastal town spewed tens of thousands of pounds of toxic chemicals into the skies.

The release from the BP facility here began April 6 and lasted 40 days. It stemmed from the company's decision to keep producing and selling gasoline while it attempted repairs on a key piece of equipment, according to BP officials and Texas regulators.

BP says it failed to detect the extent of the emissions for several weeks. It discovered the scope of the problem only after analyzing data from a monitor that measures emissions from a flare 300 feet above the ground that was supposed to incinerate the toxic chemicals. The company now estimates that 538,000 pounds of chemicals escaped from the refinery while it was replacing the equipment. These included 17,000 pounds of benzene, a known carcinogen; 37,000 pounds of nitrogen oxides, which contribute to respiratory problems; and 186,000 pounds of carbon monoxide. It is unclear whether the pollutants harmed the health of Texas City residents but the amount of chemicals far exceeds the limits set by Texas and other states For years, the BP refinery in this town of 44,000 has been among the company's most dangerous and pollution-prone operations. A 2005 explosion killed 15 workers (see next page); four more workers have died in accidents since then. Last year, the U.S. Occupational Safety and Health Administration fined the company \$87 million for failing to address safety problems that caused the 2005 blast. In the weeks since the Deepwater Horizon exploded and sank in the Gulf, BP has insisted that the incident, the nation's worst environmental disaster, was a disastrous but unusual misstep for a company that has done much in recent years to change its ways. But a look at BP's record in running the Texas City refinery adds to the mounting evidence that the company's corporate culture favors production and profit margins over safety and the environment. The 40-day release echoes in several notable ways the runaway spill in the Gulf. BP officials initially underestimated the problem and took steps in the days leading up to the incident to reduce costs and keep the refinery online. Former workers and industry experts say BP's handling of the recent release of chemicals was typical of the plant's and

# **Anonymous Tipline**

If you work for BP or a contractor on a rig in the Gulf, or anywhere else, we'd like to hear from vou. Tell us about your work conditions, your management and your observations of what is happening. We will not publish your identity. Call ProPublica at 917-512-0254 or fax documents to 212-514-5250.

company's operating practices. The 40-day emissions were initially reported by the Daily News of Galveston, Texas but received little national attention.

The unit was never completely shut down and, if it would have been, the event probably would have received more attention. Any reduction in production for even as little as 24 hours is considered sufficiently important to be reported in the financial press to investors and others.

release. "I had a lot of questions and they didn't have a lot of answers at that time."

Clawson said he is not yet satisfied. "Obviously, we do not like anything to be released," he said. "We expect better from them."

Marr said the incident began on April 6<sup>th</sup> when a component of the refinery's ultracracker went offline. The ultracracker, an integral part of the plant's processing of crude oil into gasoline and other petroleum products, processes 65,000 barrels of oil per day. A financial analyst who follows the industry said that each barrel should earn BP \$5 to \$10 in profits. The part that malfunctioned, a hydrogen compressor, traps noxious chemicals, which can then be reused for fuel in the plant and other purposes. When the compressor stopped working, BP decided to send the gases to a 300-foot high flare, whose high temperatures turn the dangerous material into carbon dioxide. The company knew that the burning process was incomplete and that at least trace amounts would escape. Marr said BP believed the plant's existing monitors, which are placed just a few feet above the ground level and approved by Texas regulators, would detect any excess emissions. According to Marr, BP immediately also received measurements from a separate monitor that took readings from the flare. It was not until June 4<sup>th</sup>, he said, that the company understood that the emissions were far higher than was permitted. Despite repeated requests for clarification, Marr declined to say how long the company spent analyzing the data from the flare. Industry experts say BP had reason to believe from the outset that emissions from the flare would be substantial. Widely circulated industry guidelines assume that at least 2 percent of what is sent to a flare goes unburned and passes into the atmosphere. Because such large quantities of gas move through a refinery, this can amount to tens of thousands of pounds. Carman of the Sierra Club says that flares also may be substantially less efficient than the industry believes. He said studies have shown that as much as 20 percent of what is sent to flares is released into the atmosphere. "A 20 percent release from Continued on page 6

### **WHISTLEBLOWER** LAWS STRONGER **IN FIVE STATES**

Cash-strapped states see whistleblowers as assets in fighting waste and fraud.



### **Public Employees for Environmental Responsibility**

Washington, D.C. (May 24, 2010) — During the past 12 months, ten states have measurably improved legal protections for state employees who blow the whistle, according to a new analysis released today by Public Employees for Environmental Responsibility (PEER). Many states now afford their employees stronger statutory shields than those covering federal workers, as a continuing Congressional stalemate has stalled federal whistleblower reform legislation for more than a decade.

The most dramatic changes came in two states, New Mexico and Vermont, which previously had the two weakest laws in the country. As a result of comprehensive legislation enacted in recent months, New Mexico now has the 4<sup>th</sup> strongest and Ver-mont, the 6<sup>th</sup> strongest, according to a rating scale devised by PEER. The other eight states making substantive expansions of whistleblower coverage in the past 12 months include Alabama, Alaska, Illinois, Iowa, Massachusetts, Pennsylvania, South Dakota and Utah (these latter two states, however, still have among the weakest laws overall).

Since 2006, when PEER first rated state disclosure laws, more than 30 states have significantly broadened their whistleblower laws. Several states are breaking new ground and going beyond protections available to federal employees.

"In just the last few years, the majority of states have passed greater protections for whistleblowers and not a single state has weakened whistleblower protection," stated PEER Staff Counsel Christine Erickson, who compiled the state legislation updates. "Even fiscally challenged states see whistleblowers as a means to save scarce taxpayer dollars from being wasted or misused." PEER has completed a detailed analysis of every state's laws, ranking each on 32 factors affecting the scope of coverage, usefulness and strength of remedies. By these measures, California, the District of Columbia and Tennessee have the strongest whistleblower laws while Virginia, South Dakota and Georgia have the weakest. "By contrast with the growing attention being paid by states, we are concerned that whistleblower protection does not appear to be a priority in the Obama administration," stated PEER Executive Director Jeff Ruch. "The last time we heard the President speak to the importance of whistleblowers to an open democracy was when he addressed the Parliament of Ghana."

### Contact: Gail Darrell at 603-The new law recognizes the 269-8542 or gail@celdf.org.



Photo by 2kjb The New York Organic Fertilizer Company is now closed.

### **Community Legal Victory Banishes** South Bronx Sewage Smells

NEW YORK, New York, July 2, 2010 (ENS, excerpt) - An environmental justice case in the South Bronx was settled Wednesday when New York City agreed to resolve long-standing community concerns about odors and emissions from sewage facilities in the Hunts Point neighborhood.

The settlement was reached between the New York City Department of Environmental Protection and Mothers on the Move, a South Bronx community group; the Natural Resources Defense Council (NRDC) and 10 South Bronx residents who complained for years of health and quality-of-life problems associated with sewage odors and fumes in their neighborhood.

Under the settlement agreement, the city will stop shipment of sewage sludge to the New York Organic Fertilizer Company, NYOFCo for at least two years and, for the first time, will require that any new sewage sludge processing facilities use best available odor control technology.

Until this week NYOFCo was processing about half of the sewage sludge produced by the city's 14 sewage treatment plants. The facility took in digested sewage treatment plant sludge, dried it and pelletized it to produce a commercial fertilizer.

"This agreement ensures that the NYOFCo facility, which has plagued this community with its noxious odors for almost two decades, will not run as it is ever again," said NRDC attorney Al Huang.

The legal settlement coincides with the last shipment of dewatered sewage sludge to NYOF-Co – one of the two sewage facilities at issue in the lawsuit.

NYC Environmental Protection Commissioner Cas Holloway explained, "Earlier this year, due to its increasing costs, DEP decided to terminate its contract with the New York Organic Fertilizer Company to process a substantial portion of the 1,200 tons of sludge that the wastewater treatment process produces each day for use as fertilizer."

'Over the long term," said Holloway, "our goal is to dispose of as much sludge as possible through beneficial reuse, . . .

Michael Marr, a BP spokesman, said the company had invested more than \$1 billion since 2005 to improve the refin-

ery. Marr said BP initially monitored the emissions using a method approved by Texas regulators. It did not show any release in "excess of regulatory exposure limits to workers or the community during anytime." Using what Marr described as a method that "enables us to better understand the unit's emissions," BP found the much higher rate of release and notified Texas regulators on June 4.

Environmental experts say the amount of chemicals released was one of the largest in recent Texas history.

'This was a giant release over that 40-day period," said Neil Carman, who worked for the regulators for 12 years before joining the Sierra Club. "Even 50,000 pounds is big."

Carman said a study he performed showed the BP Texas City Refinery was already releasing more benzene into the atmosphere than any other place in the U.S. from 1997 to 2007.

BP spokesman Marr says the refinery's 2009 emissions dropped 20 percent from 2008, including a 50 percent drop in benzene emissions. BP had also invested in onsite chemical treatment to reduce emissions, Marr said.

"I would already argue that there's too much benzene in the air in Texas City," Carman said, "and then you add this release over 40 days and it's just unconscionable that BP would do this."

Officials in Texas City, who were not informed of the scale of the release until after it was over, have asked BP to explain how this could have occurred. Marr said the company is now reviewing its procedures.

"I'm like, 'Oh goodness," Bruce Clawson, Texas City's coordinator for emergency management, recalls thinking when BP notified him about the

**Contact: Kirsten Stade** 202-265-7337

Your greatness is measured by your gifts, not your possessions.

Yogi Tea Bag Tag

# Blast at BP Texas Refinery in '05 Foreshadowed Gulf Disaster

**By Ryan Knutson** ProPublica: July 1, 2010

This story is part of an ongoing collaboration between ProPublica and FRONTLINE (PBS).

TEXAS CITY, Texas — Ever since the Deepwater Horizon exploded in the Gulf of Mexico, David Senko has been tallying the similarities between what he calls "my blast" in 2005 and this new BP disaster.

"His" blast erupted on a clear March afternoon at an antiquated BP refinery that sits on the southern edge of this small Texas town. It killed 15 people – four more than died on the Deepwater Horizon – including 11 contractors in a crew that Senko led at the site. Unlike the Deepwater Horizon, however, the effects of the 2005 blast were largely confined to Texas City so the story of what happened there quickly slipped from the national news.

The Texas City disaster has taken on new relevance today because the investigations that were done in its aftermath reveal so much about the company that is responsible for what's happening now in the Gulf. Government probes, court filings and BP's own confidential investigations paint a picture of a company that ignored repeated warnings about the plant's deteriorating condition and instead remained focused on minimizing costs and maximizing profits. According to a safety audit BP conducted just before the 2005 blast, many of the plant's more than 2,000 employees arrived at work each day with an "exceptional degree of fear of catastrophic incidents."

What BP has – or hasn't done – to improve conditions at the Texas City plant since the explosion is also laid out in the documents.

The U.S. Occupational Safety and Health Administration (OSHA) fined BP \$87 million last year — the largest fine in OSHA history — for failing to repair many of the safety problems that led to the blast. Four more workers have died in vari-

er, threatened to quit. Senko can't shake off the memory of the balmy day in March 2005 when he met White in a secluded corner of the refinery and persuaded him to stay. "We had a heart to heart," he recalled in a recent interview. "I said, 'Eugene, don't leave now. We've got two weeks left, then

you're home free." When the explosion occurred on the afternoon of March 23, 2005, several members of Senko's crew – including White – were having their regular afternoon meeting in a temporary work trailer that instantly became a pile of rubble and bodies. Senko would have been there too, if he hadn't been on an emergency trip to a BP plant in California, where other workers from his company were also complaining about safety problems.

"Record OSHA fines, all these hearings, going to criminal court, all these civil cases – it's had zero impact," Senko said from his home in Houston. "And here we go again. Eleven more people have lost their lives."

### The Problems Began Before BP

BP's Texas City Refinery is spread across two square miles of the flat south Texas landscape, its white and gray tanks and towers surrounded by chain-link fence. It is one of the largest and oldest refineries in the United States, capable of producing three percent of the nation's gasoline. The buzz of its engines can be heard blocks away and a strong scent of chemicals lingers at its perimeter. At night, hundreds of orange bulbs give it an imposing glow, as if it were its own city.

The original refinery was built by Pan American Refining Corp. in the 1930s and the facility has cycled through a string of owners since then. When BP took possession of the plant after the company's 1999 merger with Amoco, the refinery was losing money and in bad repair. Three times during the 1990s, Amoco had chosen not to make major upgrades that various reports said were needed. A staff recommendation in 1991 and an OSHA citation in 1992 specifically urged Amoco to replace the blowdown drums, a key part of the plant's antiquated safety relief system. The drums are a safety system of last resort; they are supposed to vent over-pressurized chemicals into the atmosphere in case of an emergency. Friction emerged during the merger, according to internal BP documents. BP had a reputation for turning quick profits, industry experts say, by wringing money from the companies it bought, while Amoco was considered more sensitive to the needs of its employees. In a 2000 report, BP had also put a \$10 million price tag on a human life, something Amoco refused to do. "BP embraced the principle that these costs can be specified for the purposes of cost benefit analysis," Robert Mancini, a member of BP's risk management team, wrote in a 1999 email to other BP managers. "Amoco was generally unwilling to take this step. This is more a cultural issue than a technical one but one that will have to be addressed." Soon after the merger, BP demanded a 25 percent budget cut across all its U.S. operations. Among the reductions at



Photo by Lance Rosenfield

David Senko, a former construction manager at BP's Texas City refinery, visits the grave of Art Ramos in Pearland, Texas. Ramos worked for Senko along with 10 others of the 15 who were killed in a March 23, 2005 explosion at the plant.

### **Anonymous Tipline**

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ment investigation, BP dismantled Amoco's centralized health and safety management system and replaced it with a system that varied from operation to operation, a shift that investigators later said "resulted in a loss of focus on process safety."

In 2002, Don Parus, who had come up through the Amoco ranks, was transferred from BP's London headquarters to serve as a site director at the Texas City Refinery. One of the first things he did was hire an outside firm to do a safety audit. It found "serious concerns about the potential for a major site incident due to the large number of hydrocarbon releases (over 80 in the 2000-2001 period)." It also found "mechanical integrity issues" and overdue inspections.

The report recommended \$235 million in upgrades to the plant but it is unclear whether they were made. Safety audits in 2003 and 2004 noted similar problems.

rounds of negotiations, BP reduced the cut to \$48 million.

By now, the years of neglect were catching up with Texas City and Parus made that clear to BP executives Mike Hoffman and John Manzoni. In an emotional meeting in London, Parus showed them pictures of workers who had died at the plant and "portrayed to them that there was a huge cultural issue at TXC on safety," according to an internal BP investigation.

Even as the plant's profits continued climbing, reaching nearly \$100 million in January 2005 alone, Parus sent an email to his staff saying that "2004 was not a positive year for Texas City Safety," citing three "avoidable" deaths and a major fire. He called for a two-day leadership meeting that "can, and must, be a turning point for the Safety Performance sition. He said he left the meeting without getting increased support.

In March, refinery managers outlined key risks facing the refinery in 2005. One was that plant workers would avoid reporting some safety incidents "in fear of consequences."

Another was that the Texas City site "kills someone in the next 12-18 month" [sic].

### The Blast

On March 23, 2005, Pat Nickerson was steering his company Jeep toward the trailers where the contractors worked when he saw a cloud of gas spewing from a blowdown drum next to a tower in the isomerization unit, about 250 feet in front of him.

Nickerson braced himself inside the Jeep. The blowdown drum was the last escape route for liquid from overpressurized units and he knew the cloud of gas meant something had gone terribly wrong. When the massive explosion tore through the isomerization unit, it shattered the Jeep's windshield and knocked him unconscious.

When Nickerson woke up, the Jeep had been shut off and an immense fire was raging just feet away. He saw Ralph Dean, one of the contractors, rushing toward the trailer where the contractors often met. Nickerson ran to help, "but there was nothing left" but rubble and bodies.

In the debris, he recognized Ryan Rodriguez, who was "like a second son to me." Nickerson pulled Rodriguez to safety but he was barely conscious. When the emergency workers arrived, they covered the young man's body with a sheet as they carried him to a helicopter.

"I think he died in my arms," Nickerson said.

When Senko, the contractor whose team was working in the trailer, got word of the blast, he got on a plane and arrived home in time to help identify their bodies.

He's still dealing with the emotional trauma. The faces of his friends are with him every "My counsel is avoid any preinvestment against uncertain future requirements," adding, capital expenditure "is very tight. Bank 150k savings now." another BP employee agreed. "Bank the savings in 99.999% of the cases." he wrote.

A flare would have reduced the tragedy to a minor irritation, said Michael Sawyer, a process safety engineer who has investigated the Texas City plant for some of the plaintiffs' attorneys. "We might have had a lot of little spot fires out in the ground out in the flare yard but there's nothing there except rocks and weeds," he said in a recent interview. "No one would have been killed, no one would have been injured and no one would have even known or cared about it."

Less than a mile from the blast, tiles fell from the ceiling of the New Life Fellowship church, where R.L. Calhoun has been the pastor for nearly 18 years. When he heard about what happened, Calhoun immediately thought of his cousin, Darnell who, like many members of his congregation, worked at the refinery.

Days after the blast, Pastor Calhoun and two local ministers spoke at a memorial service at the refinery for the 15 who had died and the 180 who had been injured. He recited a poem by Jane Merchant:

"For half a hundred times I've sobbed,

I can't go on, I can't go on! And yet for full a half a hundred times

I've hushed those sobs and gone. My answer if you ask me how, May seem presumptuously odd, But I know what kept keeping on When I could not, was God."

Calhoun's cousin survived the blast – he was home that day with a sore back. But Calhoun has lived in Texas City too long to believe that another blast is impossible.

Accidents are part of life, no matter where you live, he said in a recent interview. And besides, without BP, how would Texas City survive? And doesn't the United States need the gasoline the refinery produces? "America depends on this city more than they realize," he said. "Nobody knows too much about Texas City in New York, but boy, do they depend on us."

ous accidents since then and two chemical releases in 2007 sent more than 130 people to the hospital.

The plant has been cited so often for violating Texas' air quality laws, which are among the nation's weakest, that last year the Texas Attorney General's office filed civil charges against BP in state court. The most recent violation began two weeks before the Deepwater Horizon sank into the Gulf: Over a 40-day period the plant spewed 538,000 pounds of toxic chemicals into the air, including 17,300 pounds of benzene, a known carcinogen. Environmental experts say the release ranks among the worst air quality violations in Texas in the last decade.

Despite the deaths and the chemical releases, most Texas City residents remain loyal to the company. BP has donated millions of dollars to a community center, parks and the local high school, and people here know their town of 44,000 would wither if the refinery was closed. BP is not only the town's biggest employer; it's also its best-paying, offering starting salaries of \$62,000.

"Nobody wants somebody dying on their watch," said Mayor Matt Doyle, a Texas City native whose father also served as mayor. Doyle led the town through the 2005 explosion and his face grows tense when he talks about it. But bring up BP and the conversation quickly focuses on "vital employment."

Sometimes, though, this tradeoff becomes too terrible to bear, which is why Senko left his lucrative job in the industry and now crusades for legislation to protect its workers.

For much of his career, Senko worked for an engineering firm that had a longstanding contact with BP and in 2004 he found himself working at the Texas City plant. Before long, he said his workers began complaining to him about safety conditions. The problems were so persistent that Eugene White, his safety managTexas City:

• Cut inspectors and maintenance workers by the dozens to save just over \$1 million.

• Eliminate safety calendars: \$40,000 in savings.

• Reduce purchases of safety shoes for employees: \$50,000 in savings.

• Eliminate safety awards: \$75,000 in savings.

Pat Nickerson, a former construction adviser at the plant, said in an interview that he noticed a steady degradation of safety culture and maintenance. When he mentioned his concerns to his bosses, he said they told him to "keep my mouth shut and don't worry about it."

According to a 2007 govern-

A year later, London again pressured Texas City to reduce its budget, saying the plant was eating up too much capital and not turning enough profit. In response, BP instituted the Texas City Refinery Repositioning Project. In an email to BP staff about the project, Dennis Link, a manager at the plant, said the "key message" is that the refinery "is NOT delivering on profitability vs. percent of capital investment. This is part of our 'sense of urgency."

New managers who arrived at the refinery were often shocked by the state of the facility. In an interview with BP's internal investigators, one described a "big old run down and dirty refinery" where "people were desperate for hope." Another manager, who had left the plant in 1995 and returned 10 years later, told investigators she was "appalled by the general state of disrepair," according to an internal BP investigation.

One new employee reported being laughed at when he suggested shutting down a unit after a three-quarter-inch fuel gas line blew out. "The mentality in refining is that the units are to continue running no matter what – it's the cowboy mentality 'save the day," according to a 2006 BP investigation.

By 2004, Texas City had become BP's most profitable refinery, raking in more than \$900 million in earnings. But BP wanted more.

At the close of the refinery's most successful year ever, London executives gave Parus, who had recently been named the site's business unit leader, a "budget challenge," asking him to slice \$65 million from the plant's \$300 million operating budget.

Parus declined to comment for this story but according to a deposition he gave in connection with the 2005 explosion, he pushed back. After several of this site."

That same month, the Telos Group, an outside auditor that Parus had hired, produced what was probably the most damning internal report ever to emerge from the Texas City refinery. After surveying more than 1,000 workers and interviewing hundreds, the auditors concluded that the plant's employees had an "exceptional degree of fear" of a catastrophe and that "blindness" across the entire corporation prevented critical safety information from reaching the top levels of BP management. It also said that poor conditions at the plant created hazards "you would never encounter at Shell, Chevron, Exxon, etc."

The 62-page report included direct quotes from some of the workers:

"The heroes around here are the ones working to the production goals and who complete them early. 80 to 90 per cent of what gets recognized is (that) doing it fast counts."

"Telling the manager what they want to hear, that gets rewarded. For example, one person who had cut costs, done a lot of Band-Aids with maintenance and had a quit-your-bellyaching, quit-your-complaining attitude, was rewarded in the last reorganization. When his replacement was brought into his previous maintenance position, his replacement found that not a single pump was fit for service; air compressors, not one spare was fit for service."

"Units are 90% of the time run to failure, due to postponing turnarounds [maintenance]. So making money or saving money for that particular year looks good on the books. This is a serious safety concern to operating personnel. We do not walk the talk all the time. Costs and budgets are preached to reduce costs."

Parus shared the results of the report with BP's Gower and Hoffman at a Houston hotel.

"It didn't seem to be a shock to them," Parus said in his depo-

minute of every day, he said.

Investigators eventually pieced together the chain of events that led to the explosion.

They found that workers had accidentally filled a tower in the isomerization unit with 138 feet of flammable liquid, when the tower should have been filled with only 6 <sup>1</sup>/<sub>2</sub> feet. The window on the tower that the workers might have used to spot their mistake was so dirty that they couldn't see how much fluid was inside and the gauge that was supposed to measure the height of the liquid wasn't designed to measure more than 10 feet. Some safety devices that should have sounded an alarm failed - others were ignored.

The workers began heating the fluid at the bottom of the tower, as they usually did when they started the system. But with so much fluid in the tower there was no room for it to expand. As soon as it began to boil, it forced its way into the blowdown drum, which couldn't contain it. A massive cloud of heavy gases spewed out the top, then sank to the ground in a clear fog, bending the air in wavy lines like the ones that settle on the horizon on a hot day. When the gas found a spark in an idling truck 25 feet away, it triggered an explosion so powerful that it shattered windows of nearby homes.

Investigations after the blast showed that it might have been prevented.

Company documents produced during a lawsuit by a woman whose parents were killed in the blast showed that in 2002 BP managers had considered installing a flare on top of the blowdown drum to burn off excess gas, a safety feature that wasn't yet mandated by Texas regulators.

"Therefore, we need to decide if we want to invest \$150M (thousand) now to save more money later on," wrote BP employee David Arnett in an email to bosses at Texas City. Walt Wundrow, a technical manager, responded to the group:

### Fallout from the Blast

After the Texas City explosion, the Occupational Safety and Health Administration fined BP \$21 million. The company also agreed to a \$50 million plea bargain with the U.S. Department of Justice, in which it promised to comply with the improvements OSHA required.

The string of investigations that were conducted after the blast cited cost-cutting and poor maintenance as contributing factors.

One internal BP report said that BP had a "poor understanding of risk." Another noted that workers had a "lack of awareness of potential consequences."

A 341-page investigation by the Chemicals Safety Board found that "budget cuts and production pressures seriously impacted safe operations at Texas City" and that BP executives "failed to provide effective leadership and oversight to control major accident risk."

One of the most prominent reports, known as the Baker Panel Report because it was chaired by former Secretary of State James Baker, said "BP appears to have had a corporate blind spot relating to process safety."

In a 2007 speech, BP's CEO, Lord John Brown, said the company would spend \$1.7 billion more on safety each year for the next four years. The 2005 blast, he said, "was a watershed and it would forever change BP. That remains true."

But a few weeks after that speech, Brown was forced to resign because of a sex scandal. Tony Hayward was appointed CEO.

The Texas City tragedy soon *Continued on next page* 

### The Order of the Earth: August 2010, Page 6 **Spotlight on BP**

# **Computer Activists Help Save Sea Turtles from Being Burned Alive by BP: We Helped!**

### **Email from CREDO** July 3, 2010

Over 140,000 CREDO Action members told BP and the U.S. Coast Guard to stop burning sea turtles alive during oil cleanup efforts. With your help, CREDO Action was the first progressive group to organize widespread grassroots pressure to end this practice. You brought national attention to the issue, forcing BP and the Coast Guard to take action

Faced with mounting pressure from a number of organizations and the press, BP and the U.S. Coast Guard have finally agreed to new measures to protect endangered sea turtles in the oil slick burning zones.

Here is part of an article in Bloomberg BusinessWeek, July 2, 2010 by Laurel Brubaker Calkins and Allen Johnson Jr.:

"BP Plc and the U.S. Coast Guard have reached an agreement to end the inadvertent killing of endangered sea turtles trapped inside containment booms during controlled burns of the Gulf of Mexico oil spill,' lawyers said.

"We've agreed to meet to work out the terms to make sure the *turtles are protected,' Jason Burge,* a lawyer for several environmental groups suing to protect the sea turtles, told U.S. District Judge Carl Barbier at an emergency hearing today in New Orleans *federal court.* 

"Details will be fleshed out over the weekend so that protec-



Photo from www.worldwildlife.org.

Having traveled the seas for over 100 million years, sea turtles have outlived almost all of the prehistoric animals with which they once shared the planet. Critically endangered, the sea turtle is at risk from many factors, including habitat destruction, entanglement in fishing gear, hunting and egg collection, climate change, pollution and now BP. So why is BP still in business?

tions may be in place by the time controlled burns are set to resume on July 6<sup>th</sup>, the lawyers told Barbier. The wildlife groups withdrew their request for a temporary restraining order blocking the burns, on the condition they may renew the request later if the turtle-rescue settlement falls apart..."

"Environmental groups sued BP and the Coast Guard on June 30<sup>th</sup>, seeking to block the use of controlled burns or require all boats involved in the process to rescue turtles from inside floating burn boxes before the oil is ignit-

BP has already killed or otherwise harmed "hundreds of rare Kemp's Ridley, Leatherback, Loggerhead and other species of endangered sea turtles through its use of controlled burns or as a result of contamination from the oil spill itself," the lawsuit claims. The animals become trapped when shrimp boats encircle patches of floating oil with fireresistant booms to create "burn boxes" 60 to 100 feet in diameter, they said."

[Back to CREDO] Though the details are still being worked out (and we'll need to ensure that BP and the U.S. Coast Guard follow through on their agreement) we are confident that measures and procedures are being put in place to prevent endangered sea turtles and other wildlife from being burned during oil spill clean-up activities.

Photo from Minerals Management Service A land drilling rig on a man-made gravel island in the Beaufort Sea off the coast of Alaska.

# **Moratorium Won't Stop BP's Unprecedented Project in Arctic**

#### **By Marian Wang** ProPublica: June 24, 2010, excerpt

The Obama administration's six-month moratorium has put a freeze on new offshore drilling permits but three miles off the coast of Alaska, there's one unprecedented drilling project by BP that's still moving forward regardless.

That's according to two investigations this week - one in today's New York Times and the other published online by Rolling Stone on Tuesday.

The pieces both drilled down on a project by BP called "Liberty," a project in the Arctic for which BP has built an artificial island made of gravel - which according to the company and regulators, qualifies it as "onshore" and not subject to the offshore drilling moratorium.

The project is considered risky by some engineers because it involves drilling two miles into the gravel island and then drilling sideways several miles more to reach a 100-million-barrel oil reservoir. Rolling Stone noted that it would be "the longest 'extended reach' well ever attempted and the effort has required BP to push drilling technology beyond its proven limits."

The Times reported that this wasn't the only unusual aspect of the project. It cited two scientists from the government's Minerals Management Service who said that regulators let BP write its own environmental review for the project . . . . (End Wang, start NYT quote from article written by Ian Urbina.)

"The project has already received its state and federal environmental permits but BP has yet to file its final application to federal regulators to begin drilling, which it expects to start in the fall.

"Some scientists and environmentalists say that other factors have helped keep the project moving forward. Rather than conducting their own independent analysis, federal regulators, in a break from usual practice, allowed BP in 2007 to write its own environmental review for the project as well as its own consultation documents relating to the Endangered Species Act, according to two scientists from the Alaska office of the federal Mineral Management Service that oversees drilling.

"The environmental assessment was taken away from the agency's unit that typically handles such reviews and put in the hands of a different division that was more pro-drilling, said the scientists who discussed the process because they remained opposed to how it was handled..."

### Gulf Sea Turtle Eggs to Be Moved to Cleaner Waters

JACKSONVILLE, Florida, June 30, 2010 (ENS, excerpt) -To protect the eggs of endangered sea turtles from the ongoing oil spill in the Gulf of Mexico, U.S. and Florida wildlife experts are planning to relocate them in an unprecedented operation.

The plan is to move developing eggs from some 780 nests away from where they were originally laid on Florida Panhandle and Alabama beaches to a location on the Atlantic coast of Flor-

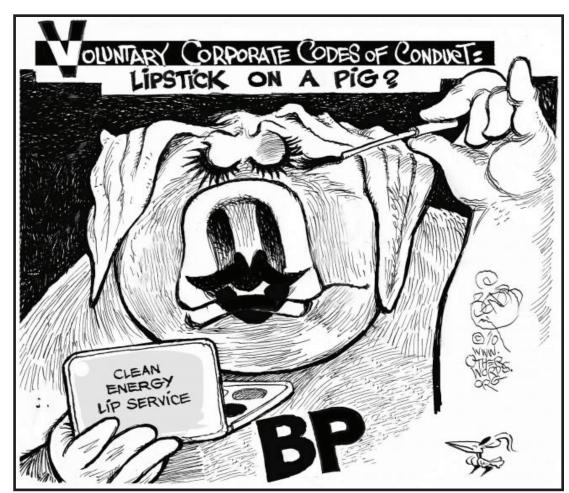
ida far from the oily waters.

marking nests daily since the start of the nesting season," said Sandy MacPherson, national sea turtle coordinator with the U.S. Fish and Wildlife Service. "Data on the nest location and the date deposited are being closely tracked. This allows us certainty in timing the nest collection phase of the plan."

Eggs will be allowed to incubate in their original nests for between 51 and 53 days. Then they will be collected by hand and individually packed in washed Wildlife experts collect eggs from Styrofoam boxes with air holes the nest of an endangered sea Permitted nest surveyors have lined with sand from the original



turtle and place them in a how



been in the field locating and nest ....

relocation. Photo USFWS

### BP Refinery Had Huge Toxic Release

#### *Continued from page 4*

the flare would equal five million pounds and the benzene would have been 170,000 pounds," said Carman.

California regulators said that couldn't happen there. In Contra Costa County, home to several refineries, flares are to be used to handle chemical releases only in emergency situations, not regular operations.

"Refineries aren't allowed to do that in the Bay Area," said Randy Sawyer, the director of the hazardous materials programs in Contra Costa County. "If you have an upset and you need to get rid of gases in a hurry, you can send them to a flare. But if you continue to operate and dump a lot of stuff to a flare,

that's not what they were designed for and it adds to pollution." California requires refineries to keep backup hydrogen compressors on hand and it stations regulators at the plants who are alert for any unscheduled flaring.

Last year, the Texas Attorney General filed a civil lawsuit against BP for "poor operating and maintenance practices" that caused an "egregious amount of emissions."

That case cited 53 separate incidents that, taken together, are roughly equal to the 538,000 pounds BP calculates it released over the 40 days this year.

If BP had shut down the ultracracker, it would have lacked a key component needed to create gasoline suitable for its customers, said Mark Demark, the department chair of process technology at Alvin Community College.

"It's a big deal to shut the ultracracker down," he said. "It's operating at two to three thousand pounds of pressure, 700 degrees Farenheit - so it would take you a week just to cool that place down."

Demark, who worked for Shell for 33 years, said if he had been faced with that choice, he would probably have halted operations.

"Just from a public relations standpoint, for 40 days to have a flare going, you have to be really inconsiderate to your community," he said.

Cartoon by Khalil Bendib BP's Ethics: Voluntary corporate codes of conduct are like lipstick on a pig. Courtesy of Other-Words.org, a project of the Institute for Policy Studies.

# Blast at BP Refinery in '05 Foreshadowed Gulf Disaster

*Continued from previous page* 

faded from the national spotlight but the refinery's problems continued:

• In July 2006, a contract worker was crushed to death against the basket of an aerial lift while doing work prompted by the 2005 blast.

• In June 2007, a contract worker was electrocuted while working on a lighting circuit in one of the units.

• In January 2008, the top blew off a water filter, killing a BP supervisor.

• In October 2008, a contract worker was killed after being struck by the bucket of a backhoe.

Tony Buzbee, a lawyer who has represented plaintiffs in more than 300 cases against BP, hired process safety engineer Michael Sawyer in 2008 to review BP's audits and determine whether

working conditions at the refinery had improved.

The answer was, "No."

"BP presently continues to violate Federal law with respect to major process safety management requirements, including the same and similar violations as those which resulted in the March, 2005 explosion," Sawyer wrote in his report.

In October 2009, OSHA reached a similar conclusion and fined BP \$87 million.

OSHA cited the company with 270 violations for not complying with the agreement it had signed with the agency after the 2005 blast. It also found 439 new "egregious and willful" safety violations, including inadequate safety relief systems.

BP has made "significant progress but they have not made enough progress," Jordan Barab, assistant secretary of labor for

OSHA, told ProPublica. "I've often said before that we think the company as a whole has a systemic safety and health problem throughout its facilities."

Brent Coon, another lawyer who spends about 50 percent of his time on cases against BP, has asked the Justice Department to throw out the 2007 plea deal with BP because of the plant's recent problems and what has happened in the Gulf. The Justice Department declined to comment for this story but in a letter to Coon it said it is "still monitoring closely BP's required compliance with the conditions of probation."

"A lot of key decisions that they made, in the grand scheme of things, they're not saving a lot of money," said Buzbee, who has worked with Coon on some cases. "It's just the mentality of being willing to accept certain

risks that put people in danger."

BP is contesting the \$87 million fine, saying that its agreement with the government required it only to begin the improvements by fall 2009, not to complete them.

BP told ProPublica it has spent \$1 billion to improve plant safety and environmental performance at the refinery. Among other improvements, it has removed blowdown drums, installed burnoff flares and conducted pre-start-up safety reviews. This has helped improve the refinery's recordable injury rate to place it among industry leaders, BP says.

### **Mirrors of Texas City** in the Gulf

Five years after the Texas City blast, a similar story of cutting costs to maximize profits is emerging from the Deepwater Horizon explosion.

Internal emails and reports obtained by the House Energy and Commerce Committee show that in the days before the explosion BP made five critical choices to save money, even though it knew that the well had a "SEVERE gas flow problem," according to a document sent to BP by Halliburton, the contractor responsible for cementing the well.

In one instance, the company ignored a suggestion from Halliburton to install 21 centralizers, a step that would have helped secure the well. "It will take 10 hours to install them," a BP official said in an internal email. "I do not like this."

Instead, BP installed just six centralizers. When someone raised concerns about that decision, Brett Cocales, a BP employee, responded: "Who cares, it's done, end of story, will probably

be fine."

Four days later, a few hours after dusk on April 20, methane shot up the well and was ignited by a spark in the rig's engines. The 11 people who died there brought the total number deaths at BP's United States operations since 2005 to 32.

A memorial service for one of the rig workers, Jason Anderson, was held in Bay City, Texas, about 90 miles from Texas City.

"We definitely do not understand why Jason is gone and the other 10 members of his rig," Pastor Clyde Grier was quoted as saying to the packed church. "We cannot let the things we don't understand dismiss what we do."

ProPublica's Lisa Schwartz, Nicholas Kusnetz and Sheelagh McNeill contributed to this report.

# The Order of the Earth: August 2010, Page 7 Global Heating

# Investigation of Penn State Climate Scientist Complete **Verdict: Innocent**

July 1, 2010 by Office of the Vice President for Research at Penn State – filed under: Research Protections.

UNIVERSITY PARK, Pennsylvania — A panel of leading scholars has cleared a wellknown Penn State climate scientist of research misconduct, following a four-month internal investigation by the University.

Penn State Professor Michael Mann has been cleared of any wrongdoing, according to a report of the investigation that was released today. Mann was under investigation for allegations of research impropriety that surfaced last year after thousands of stolen emails were published online.

The emails were obtained at:

from computer servers at the Climatic Research Unit of the University of East Anglia in England, one of the main repositories of information about climate change.

The panel of leading scholars from various research fields, all tenured professors at Penn State, began its work on March 4<sup>th</sup> to look at whether Mann had "engaged in, directly or indirectly, any actions that seriously deviated from accepted practices within the academic community for proposing, conducting or reporting research or other scholarly activities." Mann is one of the leading researchers studying climate change.

A full report on the findings of the committee can be viewed http://www.research.psu.edu/ news/2010/michael-mann-decision.

RA-10 Final Investigation Report and Decision, RE: Professor Michael E. Mann.

1. Letter from Henry C. Foley, Vice President for Research, Penn State to Graham B. Spanier, President, Penn State.

2. Letter from Henry C. Foley, Vice President for Reasearch, Penn State to Michael E. Mann, Professor of Meteorology, Penn State.

3. Letter from Henry C. Foley, Vice President for Research, Penn State to James Kroll, Head Administrative Investigations, Office of the Inspector General, The National Science Foundation.



Photo Courtesy Environment Canada

From left: Ashley Ballantyne of CU-Boulder, Dara Finney of Environment Canada and Natalia Rybczynski of the Canadian Museum of Nature dig for fossils near Strathcona Fiord on Ellesmere Island.

# Climategate Scientist Cleared in Inquiry, Again.

Cleared by one panel, Michael Mann – and climate science in general – continues to generate controversy.

### **By Douglas Fischer** DailyClimate.org, July 1, 2010

A Pennsylvania State University investigation has found no substance behind allegations of academic misconduct by climate researcher Michael Mann, one of the central figures in the socalled 'Climategate' email scandal.

It is the third formal inquiry to clear scientists involved in the scandal, which publicized more than 1,000 private emails from scientists expressing doubts about their data, refusing to share information and questioning the solid. This really is a problem that we need to confront."

Penn State investigated four charges of misconduct raised against Mann stemming from the emails: That he allegedly suppressed or falsified data; deleted or concealed emails and data; misused confidential information and deviated from accepted academic practices.

In January the university cleared Mann of the first three charges but concluded the fourth – academic misconduct – merited further investigation.

The five faculty members conducting the follow-up investigation were unanimous in concluding this fourth charge, too, was unfounded.

"Obviously the topic of climate change and climate research is one of great debate," said Powers. "From our perspective we have done due diligence ... Academic misconduct does not happen very often and, when it does, we consider it to be a very serious matter."

The university, Powers added,

past millennia, with an abrupt spike upward at the end showing human influence on the climate. The hearing sparked a National Research Council investigation, which confirmed the data behind the graph.

In mid-July a fourth panel, headed by Muir Russell, a retired British civil servant, is expected to release its conclusions on the professional behavior of scientists identified in the Climategate emails.

And a separate investigation by Virginia's attorney general into Mann's activities while at the University of Virginia remains underway. Attorney General Ken Cuccinelli questions whether Mann defrauded taxpayers when he accepted five grants worth almost \$500,000; he has asked the school to turn over all correspondence between Mann and other scientists. The University of Virginia is fighting the request.

Cuccinelli spokesman Brian Gottstein declined to comment on how Penn State's findings may influence the agency's effort. "All of our commentary will be presented in our July 13th reply brief in court," he said in an email. Mann is confident these efforts to discredit scientists and undermine climate science will ultimately be judged harshly by history. "They will continue to attack the science and the scientist," he said. "But I believe that as (the evidence) becomes increasingly compelling, as the public continues to understand that climate change is already unfolding . . . we will look back with scorn at those who denied climate change." "All they did, by muddying the water and confusing the public, is delay action to the point where necessary work to mitigate the effects is more expensive," he concluded.

# Ancient Fossils Show Arctic Near Climate Tipping Point

well as mosses and herbs.

The island was inhabited by

fish, frogs and mammals now

extinct, including tiny deer,

ancient relatives of the black bear,

three-toed horses, small beavers,

site is now threatened by a pro-

posed coal mine. Eberle said

there is high concern by scien-

tists over a proposal to mine coal

on Ellesmere Island near the

Beaver Pond site by WestStar

Resources Inc., a mineral explo-

ration company headquartered

in Vancouver, British Columbia.

to Strathcona Fiord on Ellesmere

Island in the Canadian Territory

of Nunavut. In the 1980s, recon-

naissance exploration conducted

by Petro-Canada and others

described coal seams up to 12

meters (39 feet) thick close to the

surface along the steep north

shore of the fiord.

The Beaver Pond site is close

But the research value of the

rabbits, badgers and shrews.

Continued from page 1

to limit greenhouse gas emissions to 350 parts per million, the level many scientists say will help to avert the worst consequences of climate change.

The research paper is being published in the July issue of the journal *Geology*. The study was funded by the U.S. National Science Foundation, the Natural Science and Engineering Research Council in Canada, the Netherlands Organization for Scientific Research and the European Research Council.

Co-authors included David Greenwood of Brandon University in Manitoba, Canada; Jaap Sinninghe Damste of the Royal Netherlands Institute for Sea Research; Adam Csank of the University of Arizona; Natalia Rybczynski of the Canadian Museum of Nature in Ottawa and Jaelyn Eberle, curator of fossil vertebrates at the University of Colorado Museum of Natural History and an associate profes sor in the geological sciences department. "Our findings are somewhat disconcerting regarding the temperatures and greenhouse gas levels during the Pliocene," said Eberle. "We already are seeing evidence of both mammals and birds moving northward as the climate warms and I can't help but wonder if the Arctic is headed toward conditions similar to those that existed during the Pliocene." At the Ellesmere Island research site, called the Beaver Pond site, organic materials have been "mummified" in peat deposits, allowing the researchers to conduct detailed, highquality analyses, said Eberle. They found that in the Pliocene, Ellesmere Island had forests of larch, dwarf birch and that overlap in range with connorthern white cedar trees, as temporary vegetation.

"The results of the three independent temperature proxies are remarkably consistent," said Eberle. "We essentially were able to 'read' the vegetation in order to estimate air temperatures in the Pliocene."

The scientists found that while the mean annual temperature on Ellesmere Island during the Pliocene was about 34 degrees Fahrenheit (19 degrees Celsius) hotter than it is today, levels of the greenhouse gas carbon dioxide were only slightly higher than present.

Elevated Arctic temperatures during the Pliocene are thought to have been driven by the transfer of heat to the polar regions and perhaps by decreased reflectivity of sunlight hitting the Arctic due to a lack of ice, said Ballantyne. One big question is why the Arctic was so sensitive to warming during this period, he said. Multiple feedback mechanisms have been proposed to explain the amplification of Arctic temperatures, including the reflectivity strength of the Sun on Arctic ice and changes in vegetation seasonal cloud cover, said Ballantyne. "I suspect that it is the interactions between these different feedback mechanisms that ultimately produce the warming temperatures in the Arctic."

work of others.

The Penn State findings, released Thursday by a panel of five senior faculty members, concluded Mann never participated in research or other scholarly activity that "deviated from accepted practices within the academic community."

"We consider this issue closed," said university spokeswoman Lisa Powers.

The emails were purloined from a server at the University of East Anglia in Britain, one of the most respected climate research centers in the world, and posted on the Web in November just before the United Nations climate talks in Copenhagen got underway. Critics seized on the correspondence as evidence scientists, including Mann, were cooking their books to emphasize society's role in climate disruption.

"The scientists have been exonerated," Mann said in an interview. "The science behind human-caused climate change is receives \$765 million annually in research money. "We would not put our reputation at risk over a single researcher. Our expectations are very high."

For Mann, a professor of meteorology and director of Penn State's Earth System Science Center, the six-month ordeal was simply a "distraction." It kept him from research and teaching but it also comes with the territory: Allegations of misconduct and impropriety, he said, will continue to dog climate researchers.

"I don't doubt for a minute that the climate-change deniers will continue their campaign of disinformation and smear. That's all they've got left," he said.

This is not the first time Mann has been down this path.

In 2005, Rep. Joe Barton, R-Texas, called Mann before Congress to testify about his now ubiquitous "Hockey-Stick" graph, showing temperatures in the Northern Hemisphere over the

DailyClimate.org is a nonprofit wire service covering climate change. "Paleontological sites like the Beaver Pond site are unique and extremely valuable resources that are of international importance," said Eberle. "Our concern is that coal mining activities could damage such sites and they will be lost forever."

For this study, the team used three independent methods of measuring the Pliocene temperatures on Ellesmere Island.

They measured oxygen isotopes found in the cellulose of fossil trees and mosses that reveal temperatures and precipitation levels tied to ancient water.

They analyzed the distribution of lipids in soil bacteria which correlate with temperature. And they inventoried ancient Pliocene plant groups Presently, Arctic sea ice is declining at a rate of 11.2 percent per decade according to the National Snow and Ice Data Center.

Some climate change experts are forecasting that the Arctic summers will become ice-free within a decade or two.

No matter how you feel or think about global heating (climate change), there are certain things that are simply bad for the planet and human health and well-being and those things must be stopped. --Jona

# POLICE NAB TRUCKS HAULING DRILLING WASTE

# State enforcement blitz puts 250 vehicles out of service.

### PA DEP, June 23, 2010 (excerpt)

HARRISBURG — The Pennsylvania State Police placed 250 commercial vehicles out of service during a three-day enforcement effort last week that focused on trucks hauling waste water from Marcellus Shale natural gas drilling operations across the state, Commissioner Frank E. Pawlowski announced today.

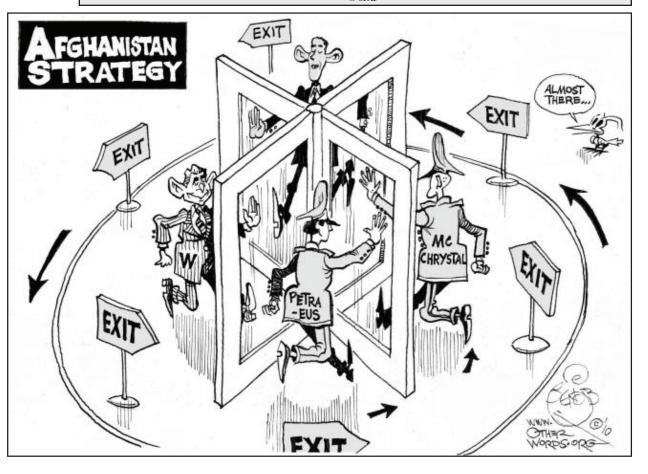
Pawlowski said state troopers worked in partnership with personnel from the Department of Environmental Protection, the Pennsylvania Public Utility Commission and the federal Motor Carrier Safety Administration as part of Operation FracNET. In total, 1,137 trucks were inspected from June 14<sup>th</sup> to16<sup>th</sup>.

"Pennsylvania has experienced significant increases in heavy truck traffic in areas

where Marcellus Shale natural gas drilling operations are taking place, particularly in Bradford, Clearfield, Susquehanna, Tioga and Washington counties," Pawlowski said. "The process of hydraulic fracturing, or fracking, requires significant amounts of water to be delivered to the sites and later trucked away." He said the enforcement effort centered on identifying commercial vehicle safety deficiencies that could lead to crashes.

Pawlowski said 131 of the 250 vehicles placed out of service were trucks hauling waste water. He said 669 traffic citations and 818 written warnings were issued as the result of waste water truck inspections. In addition, 23 of the 45 drivers placed out of service during the operation were waste water vehicle operators.

"As activities at natural gas sites continue to increase, it is important that everyone involved, including the waste transportation industry, understands Pennsylvania's environmental and traffic safety laws and complies with them," said DEP Secretary John Hanger...



# The Heat is On in the Allegheny National Forest

**Staff, Allegheny Defense Project** Hellbender News: July 2, 2010

The heat is on in the Allegheny. As citizens begin to take action to protect their homes and drinking water, industry representatives are getting more aggressive. Several recent incidents in the Allegheny National Forest including a verbal assault by an oil field worker in Kinzua Heights and theft of legal monitoring equipment on private property suggest that citizen action is riling the oil and gas industry.

An oil field worker in Kinzua Heights, Allegheny National Forest expressed anger about Allegheny Defense Project (ADP)'s Forest Watch work. During the week of June 14<sup>th</sup>, Bill Belitskus, ADP's board president and a photojournalist, revisited the Kinzua Heights site in the Allegheny National Forest that was one of the focus areas of ADP's May 22<sup>nd</sup> Forest Watch Training.

During Forest Watch monitoring ADP documented the oil and gas drilling site of Freedom Oil Ventures, LLC and submitted a report and photos to the Pennsylvania Department of Environmental Protection (DEP), the Environmental Protection Agency, the U.S. Forest Service and PA Fish and Boat Commission. See Kinzua Heights: Freedom Isn't Free. Citizens Bear Costs of Violations by Freedom Oil Ventures, LLC at alleghenydefense.org. Look up "Events" June 5, 2010.

During the week of June 21, 2010 the Hendryx family, who lives directly adjacent to a

Number of Marcellus Shale Gas Wells by Company in Four Counties of the Allegheny National Forest

Company	ANF Land	ANF Footprint	Elk State Forest	Warren, For- est, McKean, Elk Counties	Total
EOG	-	-	16	29	45
Seneca Resources (NFG)	-	4 (2 of 4 on gamelands)	-	13	17
Pennsylvania General Energy	1	4 (1 of 4 on gamelands)	-	7	12
Anshutz Exploration	-	-	-	4	4
East Resources (Royal Dutch Shell)	3	1	-	-	4
St. Mary Land & Exploration Co.	-	-	-	4	4
J.W. Operating Company	-	-	-	2	2
Quail Energy	-	-	-	2	2
Enervest Operating	-	-	-	1	1
Hanley & Bird	1	-	-	-	1
TOTAL	5	9	16	62	92

planned East Resources (Royal Dutch Shell) Marcellus Shale gas well, found that a ladder on their property was stolen and a fence with "No Trespassing" signs, which faced the Hendryx property, was torn down. The Hendryx family used the ladder to observe and film the excavation of a PENNDOT landfill adjacent

to their property. East Resources is planning to drill a Marcellus Shale gas well on the landfill. East Resources erected the fence and posted the "No Trespassing" signs facing the Hendryx property. The proposed Marcellus Shale gas well site is located on the PENNDOT landfill at the intersection of FR (Forest Road) 150/

Mead Run Road and U.S. Route 219. East Resources plans to drill the well within 1,000 feet of the Hendryx family's water well. The Hendryx family has appealed the DEP permit for the Marcellus Shale gas well to the Environmental Hearing Board and has filed a report of the stolen ladder with the PA State Police.



Photo by Cathy Pedler

Please join our Forest Watch efforts. Check the details at allegheyndefense.org. Document and report industry violations in the Allegheny National Forest by sending reports and photos to the people listed below.

John Hanger, Director Department of Environmental Protection Rachel Carson Office Building 400 Market Street Harrisburg, PA 17101 jhanger@state.pa.us

Shawn Garvin Environmental Protection

Agency Region 3 1650 Arch Street (3CEOO) Philadelphia, PA 19103-2029 eyesondrilling@epa.gov

Robert T. Fallon, Marienville Ranger District Allegheny National Forest 131 Smokey Lane Marienville, PA 16239 rfallon@fs.fed.us

Kent Connaughton, Regional Forester USDA – Forest Service Eastern Region – R9 626 East Wisconsin Ave. Milwaukee, WI 53202 kconnaughton@fs.fed.us garvin.shawn@epa.gov

Robert Nestor PA Fish And Boat Commission Northwest Region Office 11528 State Highway 98 Meadville, PA 16335 rnestor@state.pa.us

Leanne M. Marten Allegheny National Forest 4 Farm Colony Drive Warren, PA 16365 Imarten@fs.fed.us

Anthony V. Scardina, Bradford Ranger District Allegheny National Forest 29 Forest Service Drive Bradford, PA 16701

# A Fracking First in PA: Cattle Quarantine

Submitted by Angel Smith Clearvillle, Pennsylvania

### **By Nicholas Kusnetz** ProPublica: July 3, 2010

Agriculture officials have quarantined 28 beef cattle on a Pennsylvania farm after wastewater from a nearby gas well leaked into a field and came in contact with the animals.



# **Residents Concerned About White Day Creek's Future**

Creek Runs Between Marion and Monongalia County Lines

### By Macall Allen

June 24, 2010 Submitted by Angel Smith, Clearville, Pennsylvania their homes, and they say it's in danger of being polluted. They say at least three natural

gas wells are going in on properties near White Day Creek. And millions of gallons of water are used to extract the gas

from the Marcellus Shale. Residents are afraid that if the water is taken from White Day Creek it will dry it up and hurt the wildlife in it.

They're also concerned as to

going to wipe it out as a viable fishing stream," said resident Mark Moran.

According to the West Virginia Division of Natural Resources the creek is in great shape right now.

"White Day Creek is the most pristine water stream in the mainstream Monongahela River basin," said Frank Jernejcic, WVDNR.

There is no current state law

The state Department of Agriculture said the action was its first livestock quarantine related to pollution from natural gas drilling. Although the quarantine was ordered in May, it was announced Thursday.

Carol Johnson, who along with her husband owns the farm in north-central Pennsylvania, said she noticed in early May that fluids pooling in her pasture had killed the grass. She immediately notified the well owner, East Resources Inc.

"You could smell it. The grass was dying," she said. "Something was leaking besides ground water."

The Johnsons' farm sits atop the Marcellus Shale, a layer of rock that lies under swaths of West Virginia, Pennsylvania, New York and Ohio. As ProPublica has reported, reports have proliferated of groundwater pollution, spills and other impacts of hydraulic fracturing, a drilling technique that injects massive amounts of water, sand and chemicals underground to break up the formations that hold the gas.

In the Johnsons' case, a mixture of fresh water and wastewater that had been injected into the well leaked from an impoundment pit on the farm, the state Department of Environmental Protection (DEP) said. Tests performed for East Resources Inc. found hazardous chemicals and Photo Courtesy PA DEP

heavy metals, including chloride, barium and strontium. East did not dispute that a leak had occurred.

It's unclear whether the Johnsons' animals drank any of the wastewater. The quarantine was put in place to ensure the animals did not go to market with contamination.

An inspection conducted May 3<sup>rd</sup> by the DEP found two seeps from the impoundment. According to the inspection report, an East Resources employee said a contractor had inspected twice in April and he was unsure why the leak wasn't detected earlier.

The DEP inspector issued four violations for the leak and resulting pollution. One cited East's failure to notify the department of the pollution, saying the agency learned about it from the Johnsons' daughter.

State records show that the well, also on the Johnsons' property, was issued five violations by DEP in January, including one labeled "Improperly Lined Pit." A February inspection found no violations. Stephen Rhoads, director of external affairs for East Resources, said the January violations were for spilled drilling mud and were unrelated to the subsequent pit leak.

East Resources said tests of the leaked fluid did not show unhealthy levels of any contaminants and that the quarantine was unnecessary. Rhoads said hydraulic fracturing, called fracking for short, had begun April 2<sup>nd</sup> and that wastewater wasn't impounded until a week later.

Upon being notified May 2<sup>nd</sup>, Rhoads said, the company immediately fenced off the Johnsons' pasture and began to empty the impoundment and remove all contaminated soil. The well has since been shut down.

The incident isn't the first report of farm animals being affected by fracking. As we reported more than a year ago, 16 cattle died in Louisiana after drinking a mysterious fluid next to a drilling rig.

The Johnsons' cows have fared better so far. "They're happy, contented, fat," Johnson said.

you.

Find Green Candidates
www.NewMenu.org
Find Greens running for office near

web design provided by www.DancingTreesWeb.com MORGANTOWN, West Virginia — Residents say they're trying to be proactive to save White Day Creek, the very healthy stream that runs near

where the waste water will go after it's used.

"We're concerned that the same thing that happened to Dunkard Creek is going to hapear pen to White Day Creek – it's regulating how much water can be taken from waterways or how it is treated after the drilling process.

THE U.S. ENVIRONMENTAL PROTECTION AGENCY HAS A HOTLINE TO REPORT SUSPICIOUS NATURAL GAS WELL ACTIV-ITY: 1-877-919-4372 (4EPA) OR BY EMAIL AT EYESONDRILLING@EPA.GOV.



www.greenlinepaper.com

# The Order of the Earth: August 2010, Page 9 Mountains

# Deaf to 'Music Saves Mountains,' EPA Approves New Surface Coal Mine

WASHINGTON, D.C., July 1, 2010 (ENS, *excerpt*) — The U.S. Environmental Protection Agency has given its conditional approval to a new mountaintop removal coal mining permit, as long as the mine operator makes changes to protect downstream water quality.

The permit for Arch Coal, Inc. in Logan County, West Virginia involves a 760-acre mountaintop removal operation known as the Coal-Mac Pine Creek Surface Mine. The permit was among those applications subject to a stricter permit review guidance imposed by the EPA in April under the Obama administration's effort to reduce environmental impacts from Appalachian surface mining.

Environmentalists support the stricter review guidance but coal industry officials are opposed and the West Virginia Department of Environmental Protection is contemplating a legal challenge to the EPA guidelines.

Environmental and community groups are concerned about the effects of the Pine Creek mining operation that will blast away mountaintops and dump the unwanted rock into three valleys, burying headwater streams.

Bill Price, Sierra Club Environmental Justice organizer in West Virginia, said, "We had high hopes that the EPA's more stringent guidance for mountaintop removal coal mining would mean protection for our communities but apparently we were mistaken. It's time to turn words into action and end this destructive practice."

"The massive Pine Creek Surface Mine and the neighboring communities and watershed suffer from the cumulative impacts of being surrounded by other mountaintop removal coal mines," said Price. "Mining companies have already buried close to 2,000 miles of Appalachian streams beneath piles of toxic waste and debris. We can't allow even one additional mine to destroy our communities."

But the EPA has decided to grant the permit if Arch Coal would build each valley fill separately over a three year period. In a June 21 letter to the U.S. Army Corps of Engineers in Huntington, West Virginia, John Pomponio, director of the EPA's Environmental Assessment and Innovation Division, said waiting to start the next fill until the previous one is finished would allow



Photo by Vivian Stockman, Ohio Valley Environmental Coalition Mountaintop removal mining in southern West Virginia.

increase pollution-related health impacts and increase the likelihood of more flooding."

"As deforestation on the Arch Coal mine site would continue to dismantle an important global carbon sink, the mine itself would produce over 14 million tons of coal which, when burned in power plants, would contribute over 40 million tons of carbon dioxide greenhouse gas pollution to the planet's atmosphere," she warned.

Community efforts to call a halt to mountaintop removal mining have attracted the support of wellknown musicians Dave Matthews, Emmylou Harris, Alison Krauss, Patty Griffin, Kathy Mattea, Patty Loveless, Big Kenny and Buddy Miller. They are working with the Natural Resources Defense Council (NRDC) in a new campaign called Music Saves Mountains.

At a sold-out benefit concert in May at Nashville's Ryman Auditorium organized by the NRDC, they raised money for this cause and pledged to generate public awareness of the dangers of this type of coal mining.

Kathy Mattea told ENS in an interview that songs can have a powerful effect on public opinion.

"Music has a way of telling a compelling story in three minutes, that would take many words to convey in print," Mattea said. "Art wakes us up from a different place and that is music's advantage. Compelling songs can wake people up and get them involved."

"Events like the one at the Ryman

hiking, camping, caving, fishing, swimming. When I saw Mountaintop Removal for the first time, I was heartbroken. Then I met locals who live near these mines and heard their stories and it was a sea-change moment for me. I resolved to try to help with whatever resources I could bring."

"Sometimes that's been meeting with the governor or lobbying state legislators or U.S. senators and representatives. Sometimes that's been speaking to college students. Sometimes that's been singing with other like-minded people. Sometimes it's been in the form of speeches or articles. Sometimes it's been in the form of long conversations with grassroots activists or people in the coal industry," said Mattea. "I am interested in being of service in any way I can."

William Kenneth Alphin, known by his stage name Big Kenny, says songs are one way to make more people aware of the need for change. "I just want parents to know that the job they have, that is putting food on the table for their kids, is the same job that is contaminating the water their children are drinking and poisoning them," he told ENS in an interview.

Big Kenny first became aware of mountaintop removal mining about three years ago while flying from Nashville to the family farm in Culpeper, Virginia.

"We saw this abominable destruction from mountaintop removal mining at low level," he said. "It looked like a moonscape – unbelievable. We saw black lakes and immense destruction. When I returned to Nashville I started researching what was happening and ended up going back to ground zero of this destruction and found out first-hand from the people who live there that mountaintop removal is not good for our clean water and the basic human rights of our communities. Coal has oppressed the people of Appalachia for centuries. Few profit off the harm of many."

### ARMY CORPS SUSPENDS NATIONWIDE PERMIT FOR MOUNTAINTOP REMOVAL MINING

WASHINGTON, D.C., June 17, 2010 (ENS) — The U.S. Army Corps of Engineers today suspended the use of a fast-track nationwide permit, Nationwide Permit 21, for mountaintop removal mining operations in the six states of the Appalachian region.

Now, proposed surface coal mining projects that involve discharges of dredged or fill material into waters of the United States will have to go through the individual permit process to obtain Department of the Army authorization under the Clean Water Act.

The individual permit evaluation procedure provides increased public involvement in the permit evaluation process, including an opportunity for public comment on individual projects.

Nationwide Permit (NWP) 21 is used to authorize discharges of dredged or fill material into waters of the United States for surface coal mining activities.

The suspension is effective immediately in the Appalachian region of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia. Nationwide Permit 21 continues to be available in other regions of the country.

The suspension in Appalachia will remain in effect until the Corps takes further action on Nationwide Permit 21 or until the permit expires on March 18, 2012.

This announcement comes more than a year after a March 2009 U.S. District Court decision ruled these permits illegal.

The nationwide permit gives a blanket authorization to mountaintop removal coal mines to dump their mining waste in streams and waterways. The District Court ruled that this overlygeneralized permitting process could not guarantee compliance with the Clean Water Act and that mining companies must apply for individual permits in order to be able to fill streams with mining waste.

Earthjustice senior legislative counsel Joan Mulhern said, "Using nationwide permits to rubber stamp the destruction of streams across hundreds of miles of Appalachia is an abomination"



# EPA-Easier to Poison Appalachia's Water than Defy King Coal?

At 9:00 a.m. July 9, five people entered the headquarters of the EPA in Washington, D.C. They sat down in the center of the lobby, locked themselves together with metal lock boxes and began to play West Virginia's adopted state song, John Denver's "Take Me Home, Country Roads" mixed with intermittent sounds of Appalachia's mountains being blown apart by MTR.

# Activists Stage EPA Sit-In

**By Jeff Biggers, July 9, 2010** Speakeasy: http://blogs.alternet.org/speakeasy

Listen here, Lisa Jackson.

Do you hear yourself?

"No or very few valley fills that are going to be able to meet standards like this."

Blaring the EPA administrator's own words from last April's press conference with her intent to end mountaintop removal mining valley fills on an amplified soundtrack, five sit-in protesters are currently occupying the lobby of the EPA's headquarters in Washington, D.C.

According to the Rainforest Action Network:

After entering the EPA building, activists sat down in the center of the lobby, locked themselves together with metal 'lock boxes' and began to blast West Virginia's adopted state song, John Denver's 'Take me Home, Country Roads,' with intermittent sounds of Appalachia's mountains being blown apart by MTR explosives spliced into the song.

An additional activist has climbed to the top of the EPA front door on Constitution Avenue and is standing with a banner reading: "Blowing up mountains for coal contaminates Appalachia's water, Stop MTR."

Despite Jackson's promise last April to enforce new guidance rules to end the reckless process of mountaintop removal mining, the EPA stunned coalfield residents and human rights and environmental advocates across the nation last week with the announcement of their green light for a new mountaintop removal permit at Pine Creek in West Virginia.

"We're sitting down inside the EPA to demand the EPA stand up to protect Appalachia's precious drinking water, historic mountains and public health from the devastation of mountaintop removal," said Scott Parkin of Rainforest Action Network, who participated in the sit-in. "At issue here is not whether mountaintop removal mining is bad for the environment or human health, because we know it is and the EPA has said it is. At issue is whether President Obama's EPA will do something about it. So far, it seems it is easier to poison Appalachia's drinking water than to defy King Coal."

monitoring of each fill "to ensure that predicted water quality outcomes are achieved."

Arch Coal officials have not said whether or not they would accept the new EPA conditions.

Vivian Stockman of the Ohio Valley Environmental Coalition lives in Logan County. "In approving the Pine Creek permit, the EPA has failed our community," she wrote today on the Web site ILoveMountains.org. "Any more mountaintop removal mining in Logan County is going to further degrade the watershed, can galvanize a movement and help the people on the front lines to gather together and re-energize when they may have gotten weary from working so hard," she said.

"And I suspect there were people in the audience who had been drawn by an affinity for the music that may have never heard of mountaintop removal. I think drawing people to an event like that helps expose them to the discussion that was going on as the background to the concert."

"I am from these mountains," Mattea said. "I grew up there and as a kid I was all over West Virginia –

Kenny said the words of Ameri-Continued on next page

"We are relieved that the Army Corps of Engineers is finally taking this permit off its books in a move that is long overdue, but what the Corps really needs to do is change the Bush administration policy that allows the dumping of mining waste in streams and waterways until they are destroyed and buried completely," said Mulhern.

On June 11, 2009, the U.S. Department of the Army, U.S. Department of the Interior and

*Continued on next page* 

Jeff Biggers is the American Book Award-winning author of <u>Reckoning at Eagle Creek: The Secret Legacy of Coal</u> <u>in the Heartland</u> (Nation/Basic Books), among other books. Visit his Web site: www.jeffbiggers.com.

# Lights, Camera, Action: Ashley Judd vs. Mountaintop Removal

"Children in eastern Kentucky draw creeks black. They don't know they're supposed to run clear." *Ashley Judd* (NRDC Web site)

She was a vision in white. Just as you might expect from a Hollywood starlet, Ashley Judd emerged from the back of the car stylishly dressed and perfectly coifed. A few fans awaiting her arrival approached for autographs and photos, for which she graciously complied. Then it was up to the top floor for a brief "meetand-greet" reception with a few honored guests before her luncheon speech at the National Press Club yesterday, which NRDC arranged. With her Southern charm and natural grace, she dazzled the crowd with tales of her Appalachian heritage, her deep love of the land and people, and her extensive firsthand knowledge of the damage wrought by rapacious mining throughout the region she proudly calls home.

Here's some initial coverage of Ashley's appearance. Fortunately,

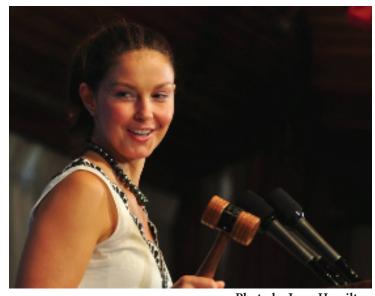


Photo by Jesse Hamilton Ashley Judd wields the speaker's gavel at the National Press Club.

C-SPAN live-streamed her remarks on its Web site. It's well worth watching the entire speech.

Here are some of her comments:

"I am very proud to be a Kentuckian. And, of the many things my Creator has seen fit to allow me to accomplish, being an eastern Kentuckian is the simple fact that brings me the most honor, the greatest sense of self. I love and am proud of being a hillbilly."

Warm applause followed this

eloquent introduction. It made me think that if instead of the nation's capital we were sitting in a room located anywhere west of the Blue Ridge and east of the Mississippi the crowd would have absolutely erupted in cheers. All of the Appalachians I've met have this in common – they are fiercely proud of their mountain heritage, as well they should be.

Ashley traces her family to the mountains of this region, going back at least eight generations. In researching her own geneology, she has come to realize that her own well-traveled life pales in comparison to "the wonderful adventure of journeying back through my family history in the Appalachian Mountains."

She added: "There is no better home than Kentucky. We have a deeply-ingrained mystical sense of place, a sense of belonging that defines us. Although I currently make my home in rural middle Tennessee and in Scotland, Kentucky calls to me. It is my Avalon."

In genuinely poetic fashion that appears to come easy for her, Ashley described the ache she feels for her mountain home as more than bittersweet nostalgia – more akin to a "searing tear, a gaping wound" in the fabric of her life and in the lives of all Appalachians.

"And it gets bigger with every Appalachian mountaintop that is blown up, every holler that is filled, every stream that is buried, every wild thing that is wantonly and recklessly killed, every ecosystem that is diminished, every job that is lost to mechanization, every family that is pitted one against the other by the statesanctioned, federal-governmentsupported, coal-industry-operated rape of Appalachia: mountaintop removal coal mining."

"The Appalachian Mountains are the oldest in North America. They may well be the oldest mountains in the entire world, as Ashley rightly pointed out. Then she lowered the boom:

"I am here to tell you, mountaintop removal coal mining simply would not happen in any other mountain range in the United States. It is utterly inconceivable that the Smokies would be blasted, the Rockies razed, the Sierra Nevadas flattened, that bombs the equivalent to Hiroshima would be detonated every single week for three decades. The fact that the Appalachians are the Appalachians makes this environmental genocide possible and permissible."

"This is happening not just because coal lies beneath those hallowed hills but because those profiting from it are aided and abetted by political leaders whose vision is willfully blinded by the injustice that is shockingly obvious to everyone outside the region.

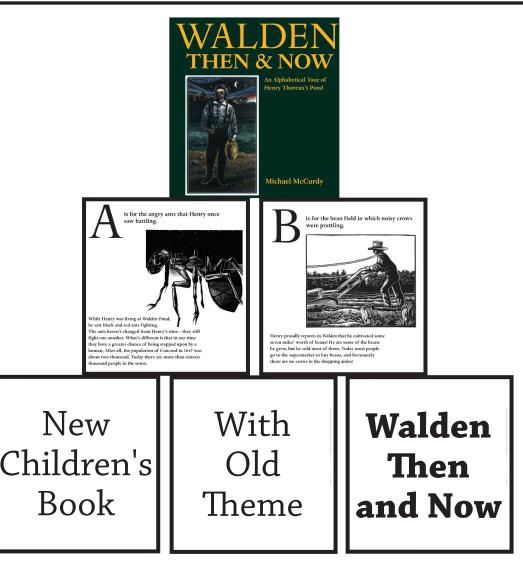
"What used to be home for human, flora and fauna and the potential economic boom for a classically exploited and distressed area, has become, in the coal company's callous terminology, 'overburden.'

"The Smokey Mountains, as the crow flies, not so far away, generated a billion dollars in tourism revenue last year for the state of Kentucky. Using shovels the size of buildings, the essential ingredients of deep time is pushed into the lauded and mythical hollers of Appalachia, indiscriminately burying all that is produced and lives there: watershed, perennial and permanent streams, all plant and wildlife, contaminating the ground water in the process."

Ashley did a fabulous job covering all aspects of this controversial issue. She concluded by imploring the press club members in the room to wake up to the plundering of Appalachia and to commit their journalistic integrity to stopping mountaintop removal immediately.

We are lucky to have someone unabashed about using her celebrity to shine a spotlight on what truly is a national shame. Her message was clear: The iconic Appalachians may be beloved by those who live there but they should be revered by all Americans. These mountains form the backbone both for our country and our national heritage, in addition to the bountiful natural resources they provide. We are all Appalachians. And like Ashley, we must each of us do our part to bring an end to the madness that is mountaintop removal coal mining.

# The Order of the Earth: August 2010, Page 10 **Reviews**



Note from Iona: I loved Walden in high school and have read it many times since then so I was happy to see this new book come out from a publisher whose children's books we have publicized before. Walden Then & Now: An Alphabetical Tour of Henry Thoreau's Pond by Michael McCurdy is handsomely bound in dark green cloth and full of illustrations from wood carvings by the author. There are two story lines, one above for younger children and one below with more detail for older readers.

### "I hear a song sparrow singing from the bushes on the shore."

### Henry David Thoreau, <u>Walden</u>

The following is from the publisher:

Henry David Thoreau was an author and naturalist whose book <u>Walden</u> still inspires readers today. In it Thoreau documented his experience living in a cabin on Walden Pond, reflecting on the beauty of nature and Mother Earth. Much of his writing, including <u>Walden</u>, propelled the environmental movement that exists today. years later, Michael McCurdy pays tribute to this influential figure and the historic place that inspired Thoreau during his lifetime. In Walden Then & Now, readers take an alphabetical journey around Walden Pond. McCurdy explores Thoreau's simple life in his cabin surrounded by nature and highlights what has changed and what has stayed the same from Thoreau's time to our own. Readers discover the animals, plants, seasons and thoughts that Thoreau recorded during his life on the pond as they gain an appreciation for nature and environmentalism.

McCurdy's beautiful wood engravings illustrate this celebration of the joy, solitude and drama of the natural life of Walden Pond – then and now.

In a starred review, *Kirkus Reviews* says, "This elegant alphabet book brilliantly conveys the essence of 19<sup>th</sup>-century American author, naturalist and philosopher Henry David Thoreau's solitary sojourn at Walden Pond."

In the introduction, Julie Cummins wrote: "Who was Henry David Thoreau? Who is Michael McCurdy? One was a man of nature and one is a man rated in time by more than a century, both of these New England men share a passion for preserving the natural world. Would they have liked each other? Probably. There's no doubt they would have admired each other's work.

"Henry David Thoreau's book <u>Walden</u>, published in 1854, is a tribute to Mother Nature and the wildlife community of one particular pond. [In this new book] Michael McCurdy pays tribute to this historic place with dramatic images of its creatures and charm."

To order a copy (hardbound, \$16.95), contact Donna Spurlock at 617-926-0329, extension 122 or email her at dspurlock@ charlesbridge.com. Please tell her you saw this write-up in OE.

Michael McCurdy is the author and illustrator of <u>An Algonquan</u> <u>Year, Hannah's Farm</u> and <u>WaldenTrapped by the Ice</u>. He is also the illustrator of more than 200 books for adults and children including <u>The Founders: 39 Stories Behind the Constitution</u> and <u>Walden The Train They Call the</u> <u>City of New Orleans</u>. He lives in Springfield, Massachusetts with his wife, Deborah.

# 10 Easy Steps for Becoming a Radical Homemaker

**By Shannon Hayes** YES! Magazine

When I first released <u>Radi-</u> cal <u>Homemakers:</u> <u>Reclaiming</u> <u>Domesticity from a Consumer</u> <u>Culture</u>, I was advised to make a list of "easy steps for becoming a radical homemaker" as part of my publicity outreach materials.

My shoulders slumped at the very thought: Three years of research about the social, economic and ecological significance of homemaking and I had to reduce it to 10 easy tips? I didn't see a to-do list as a viable route to a dramatic shift in thinking, beliefs and behaviors. But since the objective of such a list was smoother discussion and communication of Radical Homemaking ideas with the public, I did it.

I came up with the simplest things I could imagine - like committing to hanging laundry out to dry, dedicating a portion of the lawn to a vegetable garden, making an effort to get to know neighbors to enable greater cooperation and reduce resource consumption. I would perfunctorily refer back to them when radio dialogues flagged, when interviews seemed to be getting off track or to distract myself when an occasional wave of personal sarcasm (I do have them on occasion) threatened to jeopardize an otherwise polite discourse about the book. After about 40 media interviews, I was pretty good at rattling them off and I began to see their power and significance beyond helping me to be polite.

Take hanging out the laundry as an example. At the outset, it is deceptively simple: It saves money and resources and it's easy. As I spoke about line-drying laundry more, however, the suggestion took on more meaning.

Of course everyone would like to hang out the laundry. But many people don't do it. They're too busy. Thus, the commitment to hanging out the laundry represents a commitment to slowing down - it means starting to align one's daily household activity with the rhythms of nature. In my mind, hanging out the laundry moved from being a simple chore to being an act of meditation and reflection on a deeper, more profound commitment that a person wanted to make. Thus, draping shirts and socks on a clothesline wasn't just about getting a chore done; it represented the new, sane world so many of us are working to create. Every time a person sticks a clothespin on a pair of undies, he or she is saying, "I want a better world. And I'm willing to do what it takes." Laundry may be a simple first step but it ultimately leads to something bigger. Laundry became the central theme of a talk I gave recently in an affluent community, where golf-course-quality lawns are ready at a moment's notice as the backdrop for the season's latest fad: large screen outdoor television sets. I was speaking at a community eco-festival where volunteers were teaching residents about the importance of composting, solar panels, buying locally and changing light bulbs. In my session, I talked about the power of living by one's values, the misery of excessive consumption, the importance of social change, the deep fulfillment and happiness that results from living with less and having more. To help me drive my point home, my husband Bob armed me with a seemingly endless collection of images of fellow Radical Homemaker's lives: pictures of happy kids showing off their homemade toys, families gathering for feasts, piles of tomatoes on a kitchen counter following an early Fall harvest, a sink full of grapes ready for juicing, friends in their backyard gardens, smiling bike riders. At the end of my talk, I was presented with a single question from a man wearing an expensive watch: "Americans fall on a spectrum with money," he explained, holding his hands about a foot apart from each other. "Most of the people you're talking about fall on this end," he said, waving one hand. "And what you're talking about may work for them. But what about those of us on this end?" With that, he waved his other hand. "What are we supposed to do to be able to live



Photo by Iona

Laundry freshly hung on the publisher's tornado-proof clothesline made by her husband, John, of 4 by 4s. Hanging clothes outdoors is one of Iona's favorite Earth-care activities, one which she has done most of her life.

### 10 Easy Steps for Becoming a Radical Homemaker

• Commit to hanging your laundry out to dry.

Dedicate a portion of your lawn to a vegetable garden.
Get to know your neighbors. Cooperate to save money and resources.

• Go to your local farmers' market each week before you head to the grocery store.

• Do some spring cleaning to identify everything in your home that you absolutely don't need. Donate to help others save money and resources.

• Make a commitment to start carrying your own reusable bags and use them on all your shopping trips.

• Choose one local food item to learn how to preserve for yourself for the winter.

• Get your family to spend more evenings at home, preferably with the TV off.

• Cook for your family.

• Focus on enjoying what you have and who you are with. Stop fixating on what you think you may need or how things could be better "if only."

like that?"

There were a number of snarky remarks on the end of my tongue. But this man's eyes were earnest. Perhaps he saw something in those slides that his affluence could not buy. Nevertheless, my sarcasm propensity meter was no longer registering on the dial.

It was time to switch to the safety zone and draw | talked about changing the world by moving toward what we love, not running away from what we fear. | talked about the power of small changes to result in a deep personal shift. | suggested he hang out the laundry.

Every time a person sticks a clothespin on a

Over one-hundred-and-fifty of art. Although they are sepa-

### ARMY CORPS SUSPENDS NATIONWIDE PERMIT FOR MOUNTAINTOP REMOVAL MINING

#### *Continued from page 9*

U.S. Environmental Protection Agency signed a Memorandum of Understanding (MOU), with each agency agreeing to work together to reduce the adverse environmental impacts of surface coal mining activities in the Appalachian region.

As a part of the MOU, the Corps agreed to issue a public notice to seek comment on the proposed action to modify NWP 21 to preclude its use in the Appalachian region.

On July 15, 2009, a Federal Register notice was published soliciting public comment on the Corps' proposal to modify NWP 21. The notice also proposed to suspend NWP 21 in order to provide more immediate environmental protection while the longer-term process of modification is fully evaluated.

The Corps received approximately 23,000 comments during the comment period that concluded on October 26, 2009, of which 1,750 were substantive comments that the Corps says were nearly evenly divided for and against the proposed modification and suspension actions.

The Corps determined after a review and consideration of comments that continuing use of NWP 21 in this region may result in more than minimal impacts to aquatic resources.

"This joint Army Corps-Envi-

ronmental Protection Agency rule wiped out 25 years of clean water protections," said Mulhern.

"For the first time, the Bushera rule officially allowed industrial and mining waste to be dumped in streams, opening the door for more mountaintop removal mining companies to fill streams with the waste from blowing off the tops of mountains to mine coal," Mulhern said.

"This practice ravages habitats and harms communities. It is long past time for this rule to be overturned," she said. "We hope the Corps takes steps immediately to ensure that our streams and waterways are no longer used as dumping grounds for mining waste."

# Deaf to 'Music Saves Mountains,' EPA Approves New Surface Coal Mine

#### Continued from page 9

ca's founding father Thomas Jefferson inspired him to take action against mountaintop removal mining.

"Since Thomas Jefferson wrote 'life, liberty and the pursuit of happiness' just 30 miles from where I was raised a seventh-generation Virginia Rock and Roll Farm Boy, it really hit home for me. These are my people and the Appalachia is where my people live. I need to do everything I can to let them know that we have better options for power in our country than any process of exhuming coal that poisons our land, our air, our water and our children."

"Protecting Appalachia's natural heritage is critical in preserving both our musical legacy and the future of our craft," said Harris. "The Appalachians have inspired countless country, folk, bluegrass, gospel and Americana songs. Now those sources of inspiration are being secretly destroyed. We're standing together with one voice to send the message that we will not sit idly by while our mountains are being blown apart."

The coal companies on one side and the musicians, environmental groups and affected communities are locked in a battle that is not going to end anytime soon.

But the Music Saves Mountains participants say their campaign is not an anti-coal industry movement. Rather, it seeks to raise awareness and put an end to just one destructive form of coal mining, mountaintop removal. Less than seven percent of the coal mined in the United States comes from mountaintop removal, its opponents point out.

"Nothing good comes from mountaintop removal," said NRDC President Frances Beinecke. "It costs jobs, destroys forests and poisons drinking water. People become sick as a result of this form of mining and communities are forever damaged. Mountaintop removal would never be allowed in America's other treasured mountain ranges, such as the Rockies, the Sierra Nevada or the Adirondacks. It should not be allowed in the Appalachians, and it must stop." from my 10 easy tips: "Grow some vegetables in your backyard. Try learning how to can," I chirped at him.

Once I re-gained my bearings, I talked about changing the world by mov-

ing toward what we love, not running away from what we fear. I talked about the power of small changes to result in a deep personal shift. I suggested he hang out the laundry.

There were no further questions. People politely thanked me for my time and left the room.

One other man, who sat in the back corner, lingered. A longtime activist, he expressed his despair at the lifestyles of his neighbors. The social pressure to have a perfect lawn is huge, he explained. For years, he'd been doing programs to encourage residents to allow parts of their lawn to go wild for habitat – an even simpler step than gardening. The majority of his efforts were unsuccessful. There was too much shame.

"It's so much easier for you," he lamented. "You can hang out the laundry."

I gave him a quizzical look.

He went on to explain local zoning codes. By law, people in his community weren't allowed to hang clothes outside. It was trashy. It would diminish property values.

But what about home values? I felt deeply sad for his neighbors. They'd devoted their life energy in pursuit of the material affluence required to live in this particular community. At the same time, the number of people in attendance at this eco-festival suggested they truly wanted to play a role in healing the planet. Ironically, the very laws of their community – both social and written — compelled them to turn their backs on their personal values.

Henry David Thoreau's observations about the imprisonment of wealth were spot on: "The opportunities for living are diminished in proportion as what are

pair of undies, he or she is saying, "I want a better world. And I'm willing to do what it takes."

called the 'means' are increased," he wrote.

That day I saw people who cared about the Earth, who wanted a better world. But their power to act according to these concerns was limited to their purchases alone – to buying solar panels, buy local campaigns, buying new light bulbs. They could try to buy some of their beliefs. But they couldn't live them.

I suppose that is the deepest wealth in the Radical Homemaking lifestyle. By needing less, we are free to live our beliefs. To us, this seems ordinary. To someone else, a values-driven lifestyle might seem an extraordinary act of bravery.

We need that bravery. Now.

Worrying about our planet while adhering to local zoning codes or social norms forbidding ecologically sensible behavior is a recipe for disaster. Such laws require citizens to commit an ecological injustice by using a disproportionate share of our Earth's resources. They scream out for civil disobedience. As Thoreau reminds us, "Break the law. Let your life be a counter friction to stop the machine."

Go on and live dangerously. Hang out the wash.

Shannon Hayes wrote this article for "YES! Magazine," a national, nonprofit media organization that fuses powerful ideas with practical actions. Shannon also wrote The Grassfed Gourmet and The Farmer and the Grill. She is the host of grassfedcooking.com and radicalhomemakers.com. Hayes works with her family on Sap Bush Hollow Farm in Upstate New York.

# Are WWI Weapons Buried Near or In C & O Canal?

Submitted by Allen Hengst, Washington, D.C., with this note:

Below is an excerpt from Chapter 13 (The Continuing Search for Burial Sites) of Dr. Richard Albright's book entitled <u>Cleanup of Chemical and Explosive Munitions</u>. The following URL's from my blog link to the Google Docs text of Chapter 13 at http://wmdindc.blogspot. com/2010/06/were-wmds-buried-under-c-canal-in-1930s.html and the book itself is at http:// wmdindc.blogspot.com/2008/05/ cleanup-of-chemical-and-explosive.html.

(also) "After the World War II, Congress expressed interest in developing the C & O Canal and towpath as a parkway. However, the idea of turning the canal over to automobiles was opposed by some, including United States Supreme Court Associate Justice William O. Douglas. In March 1954, Douglas led an eight-day hike of the towpath from Cumberland to D.C. Although 58 people participated in one part of the hike or another, only nine men, including Douglas, hiked the full 184.5 miles. Popular response to, and press coverage of, the hike turned the tide against the parkway idea and on January 8, 1971 the canal was designated a National Historical Park." ~ Wikipedia

### Report of the Burial of Shells by the Civilian Conservation Corps

The District of Columbia Department of Health, Environmental Health Administration received information from a resident of Spring Valley consisting of, among other things, a February 25, 1993 memorandum of a phone call from Ian MacFee to the Mayor's Office of Constituent Services alleging that the Civilian Conservation Corps (CCC) buried munitions in 14 pits at the AUES [American University Experiment Station]. The caller stated that he worked with the CCC in the 1930s under the command of a Lt. Wray Noel....

The Corps supplied the entire investigative package which confirmed that Lt. Noel's militar history does include a CCC assignment. In addition to the confirmation that Lt. Noel existed, there were other intricate details in the telephone call that confirmed facts previously known to the District of Columbia staff (i.e., "French 75s and mustard gas") but which are known to only a small circle of experts. These facts recited by the caller suggested a very knowledgeable witness. Also, the statement was made spontaneously in response to a newspaper story, reducing the possibility of fabrication. Accordingly, the District of Columbia staff was obligated to consider the witness credible . . . .



The CCC may have been used a steam shovel to bury World War I munitions under the C&O Canal in 14 locations.



Photo Courtesy of Wikimedia Commons Near this spot at Fletcher's Boathouse in Washington, DC, a steam shovel was lowered from the bike path (formerly a railroad) into the then-empty canal to do repairs and other "chores" in the 1930s.

overgrown between the 1927 and the congested conditions and the ed the survey using a Schonstedt



ENCOUNTERS WITH WONDER Blue Crab Etude

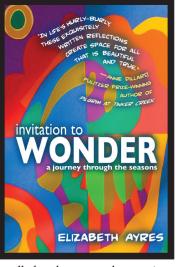
**By Elizabeth Ayres** California, Maryland

Nana taught me how. No matter how early I got up or how fast I slipped on my summer uniform of shorts, top and flip-flops, she would already be down there in her sundress and hat. Kneeling on the rough wood planks of the dock. Chest butted up against a piling. Left hand working the string, right hand holding the net.

I see the scene so clearly. Those four front-most pier posts, darkly creosoted, each wrapped with pale twine. The cord plays out into the water at a wide angle to its tether on the piling and no child of the river needs to be told what invisible tug-o'-war holds the line so taut. On the sandy creek bottom, a blue crab struggles to swim away with its carrion prize: a chicken neck tied tightly to the end of the string my grandmother painstakingly works.

On memory's split screen, I see a closeup of her left hand: the twine, threaded through Nana's fore and middle fingers, pinned in place with her thumb. Over and under. Thumb up, thumb down. Inch by upward-bound inch, crab and bait rise. Where it slices into the water, the net pole appears to break, a distortion that makes distance hard to gauge.

Speed is out of the question, the water offers too much resistance so, with a stiff right arm, Nana maneuvers the net's wooden shaft by quark-sized increments until the head is directly under the feeding, oblivious creature. Anything, even a flickering shadow, will startle her prey into its peculiar, sideways scuttle. She continues. Cautiously. To tease that awkward trio - crab, baited string and meshed hoop - to the surface. Then one deft, skywards jerk. "Got him," she says, grinning. I scamper off to the live-box with our catch. Popi also taught me how, although kids were not welcome to join him. "You're too noisy," he would bark, "You scare the crabs away." So I would watch from a distance as he waded along the shore like some long-legged marsh bird. Pants legs rolled up above bony knees. Skinny calves protruding. His far off, silent prowling is keyed forever in my mind to the constant slap of water against pier pilings, against moored boats, against the endless beach where tall sea grass whispers snick snick in a hot, dry breeze.



cradled - shotgun style - against a bent left elbow. From that position he can brandish either end of his weapon. Wield the wooden handle to poke under logs and rocks. Or, like a bayonet, stab the hoop end into the water to nab his elusive prey: a blue crab, freshly molted, butter soft. Supremely confident in his ability, Popi refuses to carry with him any sissy storage basket. Instead, he returns to the pier with 2 or 3 huge jimmies stacked in the same net he used for their capture. Popi's grin is all for himself. Tucked into his chin. Elusive.

An etude is a musical composition designed to provide practice in a particular technical skill on a solo instrument. Pianists may turn to Chopin to learn their parallel thirds. Flutists might rely on Boehm for their fingering style. I could walk down to the pier right now and catch a crab the way my grandparents showed me. Or I could stay at this desk. Teasing thoughts to the surface word by upward-bound word. And what of this perpetual tug-o'-war called life, where a taut line is sometimes all we have of what we need? Where bait and prize are often indistinguishable. And there's too much resistance. Too long a solitary prowl.

#### Findings

To have a large-scale munitions burial in the 1930s, there had to be munitions remaining after the site was closed. The District of Columbia and the Corps discovered facts during the investigation that provide evidence of potential munitions storage areas: "The shell pits, powder magazines, detonator house and explosives service building on the Spaulding property were boarded up and enclosed with fences or barbed wire to prevent access." [A Brief History of the American University Experiment Station and the U.S. Navy Bomb Disposal School, American University by Gordon, Sude, Overbeck, & Hendricks, Office of History Headquarters, U.S. Army Corps of Engineers, May 1994; hereinafter referred to as Brief History].

Further, a 1927 aerial photograph reveals the continued presence of three shell pits (POIs 21, 22, and 23) and nearby magazines. Surprisingly, the grounds adjacent to these structures appear to be kept clean of debris that would have been expected to accumulate over nine years in a forested area. The paths leading to these pits are still clearly visible. By contrast, the wide swath cut through the woods for a double water main (now Dalecarlia Parkway) was completely 1937 photos. The appearance that the magazine area and shell pits were maintained after the site was otherwise abandoned adds to the suggestion of some continued use. Finally, there is anecdotal evidence that these shell pits were smoking in the 1930s . . . .

The District of Columbia was able to confirm that a Lt. Wray Noel was attached to the 1376<sup>th</sup> Company, District No. 1, in the Third Corps CCC operation, which covered Luray, Virginia and, more importantly, that his first tour as a Second Lieutenant ended on July 4, 1937. He finished Reserve Officer training at Fort Meade on or about May 3, 1935. Thus, if the information provided by the phone call is correct, the alleged burials had to occur between May 3, 1935, and June 19, 1937, based on the dates Lt. Noel was on active duty ...

It is thus clear that the CCC and the related Public Works Administration were tapped for chemical ordnance disposal projects at Aberdeen, as indicated by MacFee and the supporting documentation. It is also clear that the leftover World War I District of Columbia chemical munitions were in a dangerous state by 1931. If CWM [chemical warfare materiel] were stored at the AUES, they likewise should have been in a similar dangerous condition by 1935 and 1936 when MacFee would have most likely completed the burials as determined from the service dates of his supervisor ...

Because the final disposition of salvageable items at the AUES did not occur until 1921, it is possible that any leftover munitions stored at the facility fell between the cracks of two different departments. Because the Ordnance Department was extremely shorthanded at this time, any munitions may have been left there in storage. There was a standing order placing a moratorium on depots receiving any more munitions referenced in a memorandum dated June 4, 1919 that stated, "due to

embargo of our depots" ...

Although the request for shipping orders for the leftover munitions from the AUES was signed March 1919, several months ahead of the demise of the CWS [Chemical Warfare Service], the railroad required special trains for chemical munitions. With the tremendous stores of ordnance coming back from overseas and being shipped from manufacturing facilities, such trains were in demand, necessitating a long wait. Thus, the CWS may have ceased to exist before shipment could be made. Because the Corps has not found a record of Edgewood receiving the shipment, the District of Columbia could not assume that shipment occurred in light of the embargo and these other facts . . .

The District of Columbia was able to obtain FG-118-120. This photograph is dated April 30, 1937 and covers 22 months of Lt. Noel's 24-month service period. Therefore, this series should contain evidence of the massive burial reported. Indeed, as EPIC [Environmental Photographic Interpretation Center] predicted the photo contains an obvious linear feature approximately a half mile long parallel to the C & O Canal suggesting mechanically-worked earth. EPIC briefly examined the photo and confirmed the District of Columbia's observation. This area had railroad access and it would have been possible to bring a steam shovel into the area as MacFee indicated. It was also federal property and close to the AUES. Further, the area upon physical examination still shows clear evidence of earth that has been excavated by mechanical means, compatible with the aerial photograph representation.

The District of Columbia obtained a permit from the National Park Service and the District's staff surveyed this area with a Fisher Gemini-3 Radio Frequency Transmitter-Receiver Metal Detector. They repeatGA-72 Cd Magnetic Locator.

Thus far, the District has located 13 anomalies that are compatible with munitions burials. Additionally, the EPA's expert in UXO recovery has confirmed the compatibility of several of the District's anomalies with deep munitions burials and has located a 14th anomaly ... The District also obtained another photograph showing the shovel in the canal, which had been drained. Could it be that the burials occurred in the canal while they were shoveling out the flood debris and silt?

#### Recommendations

Because the District of Columbia was able to confirm so many of the representations contained in the memorandum of the phone conversation, the Corps must make a substantial effort to find the burials. Because EPIC has now analyzed the aerial photographs and found no pits near the canal, it is likely that the burials were made in the canal proper while the crane was there for the purpose of rebuilding the towpath. The aerial photograph was taken after water was again allowed to enter the canal and therefore the pits are not visible.

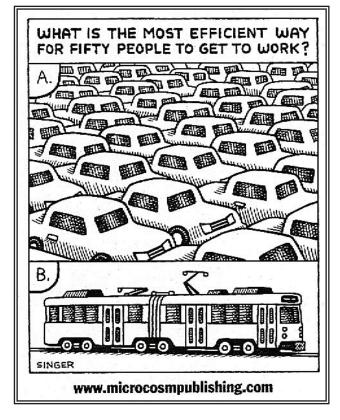
In either case, the District of Columbia requested that the Corps of Engineers or the EPA fund further geophysical examination, soil gas, groundwater or other sampling of the C & O Canal for potential sites. If munitions are confirmed, the Corps of Engineers must excavate the sites.

The EPA has contacted the Naval Research Laboratory (NRL), which has developed an ordnance detection system valued at \$750,000. The NRL represents that their system is capable of determining depth and shape of any burials. The District of Columbia is under the impression that this instrument is able to distinguish between munitions burials and hot rocks and believes that this is the best available technology for this site. Popi is a vigilant hunter. He marches all day from one end of our cove to the other, net pole I know that ceaseless effort is the cost of all things hoped for, yet ever and always I am tempted by the hiss of What's the use?

Still, I don't give up.

Nana and Popi didn't teach me how.

Elizabeth Ayres, author of <u>Know</u> <u>the Way and Writing the Wave</u>, is the founder of the Center for Creative Writing (CreativeWriting-Center.com). A book-length collection of her reflections – <u>Invita-</u> <u>tion to Wonder: A Journey</u> <u>through the Seasons</u> – will be available in September from Veriditas Books.



# The Order of the Earth: August 2010, Page 12 Musings



Photo by Chris Austin, Jr. Sharks off Oahu's North Shore.

# No More Shark Fin Soup: Hawaii's Shark Fin Ban Takes Effect

HONOLULU, Hawaii, June 30, 2010 (ENS) — Beginning July 1, it will be illegal to possess, sell or distribute shark fins in Hawaii, making the Pacific Island State the first in the nation to enact a shark protection law.

Governor Linda Lingle, a Republican, on May 29<sup>th</sup> signed into law S.B. 2169, championed by State Senator Clayton Hee, a Democrat. The law closes an enforcement loophole which has allowed Hawaii to be the Pacific hub for the shark fin trade in Asia and beyond.

Senator Hee says killing sharks for their fins is like killing elephants for their ivory. He says Hawaii will set an example for the world as some 89 million sharks are killed for their fins globally each year.

Under the new law, vessels that could once transfer, trans-ship and store tons of fins in Hawaii can no longer do so. The only exemptions in the new law apply to shark research and educational institutions holding permits issued by the Hawaii Department of Land and Natural Resources.

Today, local, national and international advocates for shark conservation gathered at the State Capitol in Honolulu to celebrate the historic shark protection measure.

Kelly Hu, Hawaii-born model, actress and ocean protection supporter, was present to commend Hawaii's legislators and local advocates for their tremendous efforts on this unprecedented measure. Renowned Hawaiian artist Wyland and other conservationists sent congratulatory messages via Skype.

Peter Knights, executive director of Wild Aid, shared public service announcements from basketball star Yao Ming and other celebrity advocates.

"With the enactment of this ban on shark finning, Hawaii has once again set an example for the rest of the country, if not the world, to follow," said Inga Gibson, Hawaii state director for The Humane Society of the United States.

Shark finning involves cutting off the fins of sharks then throwing them back into the ocean, often while still alive. Millions of sharks are killed each year to supply the demand for shark fin soup, a Chinese delicacy.

Shark fins are prized for their slippery and glutinous texture that results in a thickened soup that is regarded as a tonic food and an aphrodisiac. The Chinese believe shark fin soup strengthens the internal organs and retards aging.

Earth Esalms: OBong 24

By Angela Magara © www.angelamagara.com

The Earth belongs to herself and to all who dwell upon her. To the beings and spirits that call her Mother. She brought forth her seas and the waters that sustain all life. She drew the paths of the rivers and gave them leave to wander.

*The hills trace her shape and the animals within them Reflect Her complexity in the mystery of their lives.* 

Who can say this is my Earth and this place is my birthright? Those who turn from hatred and destruction and who honor the lives of all who share Earth.

For She is our temple.
She is our sanctuary and our home.
It is in her we have our lives and it is to her that we return at the end of life.
We are not separate but joined, not alone but within the family.
The longing of all our hearts is satisfied in the community of the Earth.

<u>Earth Psalms</u> is full of familiar words spoken in a new voice based on the Biblical Psalms but with the heart of Earth-based spirituality. Printed with the author's permission.

# New England's Stately Oaks and Hemlocks Give Way as Region Warms

'You just watched the trees and realized they weren't coming back.'

### By Doug Struck

DailyClimate.org, June 22, 2010

WEST TISBURY, Massachusetts — Spring did not come for the oaks of Martha's Vineyard.

For three years, the residents here watched a stunning outbreak of caterpillars. The insects stripped an oak tree bare in a week, then wafted on gossamer threads to another.

The islanders fought through clouds of drifting filaments with brooms, brushed off the showers of excrement after they walked under trees and tiptoed through a maze of half-inch worms on the sidewalks. The local newspapers ran pictures of building sides covered with caterpillars, looking like horrormovie outtakes.

"They were gross," recalled Barbara Hoffman, 53, with a visible shudder. "You could hear them munching. I said spray 'em."

Most trees recovered in the first year; fewer survived the second. But as the bugs struck again in late 2007, an accomplice drought hit the weakened trees, leaving the island now with swaths of stark, barren and lifeless branches. America occurred 5,500 years ago, two dieoffs that were long thought to be separate events. But sedimentary records showing a sudden severe drought at the same time implicates climate in both events, Foster said. Bugs may have delivered the blow but the bugs were fostered by climate change.

"We might get really severe drought and we might get major outbreaks of insects or really severe weather impacts," Foster said. "Unexpected events will lead to unexpected and rapid changes."

Certainly the residents here were perplexed at the caterpillar outbreaks from 2004 to 2007. Although several insects were at work, the prime culprit was eventually identified as a fall cankerworm, a long-time resident of the island that no one recalled having done more than minimal damage. This outbreak was a fullfledged invasion.

"It was disgusting," said Jason Gale, 39. He recalls glancing back at the island from his lobster boat and being shocked by the stretches of dead trees.

Timothy Boland, head of the Polly Hill Arboretum on the island, was thrust into the middle of a growing community debate about whether to attempt wide-spread spraying. The pesticide, Conserve, is a bacterial substance considered greener than most insecticides but it is very expensive. And it can be toxic to aquatic life and bees. Boland urged patience. 'Typically, in the second year population, the moths can't sustain themselves and the population crashes," he said. "But it did not happen." He ordered the spraying of the most valuable trees on his 70-acre arboretum, advised residents to spray their favorite trees and let the rest go. "It was a funny position for me as a tree man to argue that we should let these trees die," he said. Jeremiah Brown, 39, is a burly landscaper and elected Tree Warden of West Tisbury, an island community of 2,600 year-round residents. He has healthy, stately oaks next to his shaded home. He sprayed them. Next door, his neighbor did not. The trees there are dead fingers reaching leafless to the sky. "People were looking to me to save the day," he said ruefully. "They said I should have a helicopter over town spraying everything." Town officials in several communities on the island voted emergency funds for limited spraying. In West Tisbury, Brown said he sprayed about 150 of the most critical trees on public grounds. As other trees died, they began to rot in 18 months and communities have had to pay to remove trees threatening roads. "I don't want to cut trees down," said Brown. "I'd like to, naturally, plant a few things and have the town be proud of me in 100 years. But all I do now is cut down trees because of those darned caterpillars." The worst stretches of dead trees are on the elevated moraines of the island away from the roads. The suddenly open sky has created new opportunities. A profusion of beech, now free from the oak shade, is sprouting. Blackberry and blueberry shrubs are promising bumper crops. Foster, Boland and other scientists are fascinated to watch the progression of a forest as the oaks are replaced. Residents see the dead trunks as fodder for their wood stoves. Not everyone has taken the same lesson from the die-off.



Photo by Colleen Layton-Robbins Yoo, a female Weeper Capuchin Monkey who was born as a preemie and is still petite but very healthy, likes to help clean her cage.

Monkey Business: Better Business Practices Learned Through Monkeys **Privilege** 

**By Heather Wandell** Frisky's Wildlife and Primate Sanctuary Woodstock, Maryland

Knowing that there are certainly exceptions, in my observations, most monkeys do not like having their enclosures cleaned. It is a complete invasion of their personal space and things. In order to clean their space, they must be denied access to it while you are in there cleaning it.

At Frisky's, each monkey enclosure has an indoor and outdoor space. They are free to go back and forth through the tunnel whenever they please – except when one side needs to be cleaned.

Now, I don't know about you but I have always considered lawn mowing, weeding, sweeping the driveway, window washing and house cleaning to be responsibilities of being a home owner.

One hot summer morning, I arrived at Frisky's just as Colleen had filled a bucket of warm water with a little dish soap and several rags.

I watched as she handed one of the rags to little Yoo. Yoo is a female Weeper Capuchin Monkey who was born as a preemie and is, to this day in July of 2010, still petite, but very healthy. She also handed rags to Johnny, Willie and Babee.

While these three took the rags from Colleen and did various things with them, Yoo enthusiastically began cleaning! She went over to the Plexiglas tunnel door, which separates the two areas of her enclosure and she began washing it. She then took the rag over to the bars and began washing them. She treated this cleaning as if it were a Privilege.

In the book <u>Mastering Life's Energies</u> (Maria Nemeth, Ph.D), Maria tells about a conversation she had with a man who was attending one of her workshops.

On a break, he told her that he will never forget his father's words as he was near his death. His father told him that all his life, he had looked at mowing the grass, taking the trash out, making household repairs, etc. as responsibilities.

"Now, as I lay here, unable to walk and soon to die, I see them as Privileges." How privileged we are is most often not in our awareness.

In 2003, I made a commitment to physically be at Frisky's every Thursday to help with whatever needs to be done. I wanted to deepen my understanding of our connection with all the other Earthlings. I have had the Privilege of giving a second chance at life to hundreds of Beings every year. I know Privilege when I am cleaning out the cage of a rabbit, whose owner decided they did not want to care for him anymore. It gives my soul such joy to let him out into a play area where he can feel the earth beneath his feet while I clean the feces from his cage. No one should have to sit in their own feces. No one should have to be given up on. I am privileged to be able to give small bits of joy and distraction to many animals while they are in captivity. I am privileged to have held many baby squirrels in my hand while feeding them and then giving bowel and bladder encouragement, to avoid blockage and death.\* The mother usually does this. In the absence of the mother, they would die without the help. To be able to watch another life thrive because of my interaction is a Privilege. George Bernard Shaw (1856 to 1950) offers his view on Privilege in this quote: "This is the true joy in life, the being used for a purpose recognized by yourself as a mighty one; the being a force of nature instead of a feverish selfish clod of ailments and grievances complaining that the world will not devote itself to making you happy. I am of the opinion that my life belongs to the whole community and as long as I live it is my privilege to do for it whatever I can. I want to be thoroughly used up when I die, for the harder I work, the more I live. I rejoice in life for its own sake. Life is no 'brief candle' to me. It is sort of a splendid torch which I have a hold of for the moment and I want to make it burn as brightly as possible before handing it over to future generations." I invite you to ponder with me on this day, where can I (you) shift my (your) thinking away from responsibility and see it as Privilege? Where can you, in the workplace, take the rag, like little Yoo, and see the Privilege in having the work to do and being able to serve?

Under the new law, restaurants holding fins prepared for consumption and possessing a permit issued by the Hawaii Department of Health, as of July 1, have one year to sell, remove or dispose of any shark fin inventory, including shark fin soup. Restaurants or retailers not in possession of such a permit by July 1 will be in violation of the law.

But environmentalists and biologists agree that shark populations cannot sustain current slaughter rates, which have brought some species of shark to the brink of extinction.

One reason why people shrink from shark protection legislation is due to fear of sharks. The rate of shark attacks in Hawaii remains steady at about three per year, usually perpetrated by tiger sharks, which eat humansized prey. From 1882 to October 2009 there have been 114 total unprovoked shark attacks in Hawaii. Eleven of these were fatal attacks, the last in 2004.

Without knowing it, thousands of people in Hawaii come into close contact with sharks each year while swimming, surfing and boating, says Hawaii Shark Encounters, a tour company that takes guests to see sharks in the wild off Oahu's North Shore from the safety of a cage.

"One of our main goals at Hawaii Shark Encounters is to support and further the cause of shark conservation," says the company website. "The demise of the shark populations is a global issue that needs our immediate attention and action. Support for shark protection is difficult to achieve because of the persistent irrational fear of sharks. A change in attitude, perception, media coverage and improved conservation legislation and fishing policies are desperately needed. For that purpose we have founded Shark Allies, a nonprofit organization that will make every effort to achieve those goals."

"We hope that Hawaii's bill will inspire a move for immediate and strong legislation in other U.S. states and Pacific Island Nations," said Stefanie Brendl, founder and director of the Hawaii-based nonprofit Shark Allies. "Hawaii has shown the world that this can be done and there is absolutely no reason why it shouldn't be replicated across the globe."

Alongside the fear of sharks exists respect and appreciation. "Some families believe that the spirit of an ancestor could appear as a shark, perhaps to chase fish into their nets or to guide a lost canoe to safety," writes Herb Kawainui Kane, an author and artist-historian with special interest in Hawaii and the South Pacific.

"For these families, the killing or eating of any shark was an act of filial disrespect," writes Kane.

The U.S. Congress is currently considering the Shark Conservation Act, introduced by Democrats' Representative Madeleine Bordallo of Guam in the House, where it has been approved, and by Senator John Kerry of Massachusetts in the Senate.

The national law would close critical loopholes in the federal law to improve enforcement, such as requiring boats to land sharks with their fins still attached. If enacted, it would strengthen Hawaii's new shark fin law. "You just watched the trees and realized they weren't coming back," said Kathy Tackabury, 58, who lost seven oaks on her property.

Scientists see a fingerprint of climate change in the denuded branches and a pattern of things to come. The effects of climate change, they say, are unlikely to be gradual or predictable. Warming winters will throw into confusion old orders of species, nurturing unexpected predators and weakening age-old relationships that helped form our forests.

"You can get unexpected dynamics in nature as we generate new combinations with climate change," said David Foster, director of the Harvard Forest, who heads a research group financed by the National Science Foundation to study the Martha's Vineyard die-off.

Forests elsewhere in the U.S. are victims of such surprise. In Canada and the Pacific Northwest, vast stretches of pine are being denuded by mountain pine beetles marching eastward. In the upper Midwest, deer and earthworms are flourishing in the warmth, stripping the forest groundfloor and pushing out natural conifers. In New England, the majestic hemlocks that were grist for Longfellow and Frost are doomed by the steady advance of a pest in warmer winters.

"To see hundreds of acres of dead forest like this in New England is remarkable," said Foster. He moved with long strides through a thick underbrush of huckleberry and cat brier recently to a crest of the island crowned with ashen-colored trunks of dead oak. The view of dead trees, he said, was "startling."

Farther north and west in Massachusetts, Foster and others are studying the devastation of the stately hemlocks. An insect brought from Japan, called the hemlock woolly adelgid, is moving steadily northward into New England. It already has infested much of the U.S. South, bringing what forestry officials call "an ecological disaster" to the iconic Great Smokey Mountains and Blue Ridge Parkway. With warmer temperatures in New England — some studies put the average winter increase at 4 degrees in 40 years — the pest is advancing.

"The northward spread is being kept in check by cold winters. As winters warm, which is what is projected, that all falls apart," said Wyatt Oswald, an assistant professor of science at Emerson college who is studying the hemlocks. "At some point, climate change will allow all these hemlocks to be wiped out."

The same simultaneous decline in Cape Cod oaks and hemlocks in northeastern North "I don't believe in climate change. I think it's just the way the world is. That's nature," said Judy Jahries, 70, emerging from a West Tisbury grocery.

"It's a sign we are out of balance," countered Jackie Clason, 56. "If a person is sick, they are open to diseases. It's the same with the planet and trees."

Doug Struck covered climate change issues for The Washington Post. He is now a freelance writer and associate chair of journalism at Emerson College in Boston. DailyClimate.org is a nonprofit news service covering climate change. \*Please note that it is illegal to take a wild animal into captivity for any reason unless you have the proper licenses and permits to do so. This is to protect both you and the animal and to help prevent the spread of disease.

#### Heather Wandell is a Certified Laughter Leader with the World Laughter Tour and is the CEO of her own company, Another Way To See It.

Note from the Publisher: Heather is moving overseas and this is the last time we will run her column. BUT she is preparing a book and will let us know when it is ready. OE is grateful for Heather's contributions during the past year and we wish her happiness and laughter in her new life.

# The Order of the Earth: August 2010, Page 13 Food and Health

# Mark's Green Party Saving the Co-Op: Part VII

Latonya Foils the Big-Oil Takeover

### **By Mark Lautman** Rockville, Maryland

In last month's episode, Sugar Spike, a front man for an oil exploration company, had

convinced Latonya Rotterdam to sell the co-op to him for \$100,000. Latonya had agreed and was gathering support from the co-op's members to approve the sale. We rejoin them in the co-op's "corporate dining room" where folks are snacking on raw vegetables as they talk business.

Latonya asked Tincture Alice to call everyone into the "corporate dining room."

"Yes, ma'am, but first the ... bill ... if you don't mind."

"Yes, Alice, thank you for reminding me." She turned to Sugar Spike to explain. "We have strict rules regarding using the co-op's inventory for personal use. If we take a snack or drink, we refund the co-op for the item."

"It works really well," confirmed Tincture Alice. "Except for the time Palette Jack took 20 loaves of Kim Anderson's whole wheat bread and used them as car jack stands. He said the loaves were so hard nobody could possibly chew them so he just went ahead ..."

"Yes, Alice, we've digested and macerated that incident many times. I don't think we need to bring it up again. Besides, we want to make a good impression on Spike so that he won't lay us all off after the buyout."

"No harm done, Latonya," said Sugar Spike. "Allow me to take care of the bill. How much is it?"

Tincture Alice orally itemized the billing detail. "Well, you each had 20 grapes, one quart of Aunt Chloe's Apple Cider, two sweet potatoes grown by Kim Anderson down the road and two ears of Officer Morgan's corn grown in her backyard. That comes to thirty dollars."

"Thirty dollars?!" exclaimed Sugar Spike. "Pound for pound that's more expensive than a barrel of West Texas Light Sweet crude oil."

Latonya and Tincture Alice gave a puzzled expression. "Just figuratively speaking," said Sugar Spike. "I'll take care of it."

Sugar Spike pulled out his wallet and Tincture Alice fired off a walloping sneeze.

"Bless you," said Sugar Spike. "Thank you," said Tincture Alice.



Latonya Rotterdam was surprised at Aunt Chloe. "Chloe, you're the most radical member of this co-op. Why would you agree to a buyout?"

"Because Mr. Spike and I were talking on the phone before he arrived. He said he plans to take the vegan lifestyle 'to the next level,' as he puts it," Aunt Chloe answered.

"Please, don't bother explaining," pleaded Sugar Spike.

"Young man, they'll just love your idea. Everyone here is for animal rights, right?"

All the members nodded in agreement.

"And we're all for environmental rights, like growing and consuming local products, right?"

Everyone concurred.

"Mr. Spike here told me he is so concerned about the environment that he wants to protect mineral rights."

Latonya Rotterdam froze, signaling everyone for complete silence. "Spike, what do you mean by protecting mineral rights?"

"I'll tell you," continued Aunt Chloe. "He wants to make sure the environment is used by humans in a way such that minerals achieve their full potential."

Rotterdam became suspicious. "Spike, you said you're a buyer for an organic warehouse in Baltimore, right?"

"Yes ... but I only started last month..."

Rotterdam grabbed two items on the table in front of her. "Spike, which of these items is the banana and which is the cucumber?"

"Neither of them!" responded Sugar Spike confidently.

"Everyone knows that bananas and cucumbers are round with a red skin and a small wooden stick coming out of the top. Listen, I'll write each of you a check right now for one million dollars."

He took out his wallet and Tincture Alice again sneezed another geyser.

"It's alligator skin!" she exclaimed. "His wallet is made out of alligator skin. That's why I'm sneezing."

Rotterdam was furious. "Mineral rights. Can't tell the difference between a banana and a cucumber. Alligator skin accessories. West Texas Light Sweet. Spike, you're not an organic vegetable buyer. For whom do you really work?"

### **The White Plagues** Sugar, Flour, Salt

**By Al Fry** Garden Valley, Idaho

The plants and fruits our Creator gave us all have rich coloring to indicate their value as a rule. As profits and greed have slowly seeped into our civilizations, we have paid a heavy price with our health.

A good example is the cane sugar that got turned into little white uniform crystals. These processed crystals could be stored and shipped easier but this stripped them of their life force or vitality. The taste and profits were there but the end result was little more than a sweet poison. Researchers could show the facts but the giant corporate cartels put their profits first and the governments loved only the increased taxation from the increased consumption.

Like most citizens, I once trusted my government and swigged my pop and wolfed down my candy bars with the usual backlash. My agitation and pimples just got worse and, one by one, my teeth rotted. When I eventually started to develop diabetes I was fortunate enough to get a copy of Duffy's book, <u>The Sugar Blues</u>.

The story was simple: refined sugar simply wrecks the adrenal glands and acidifies the blood. When the adrenals get hit with too much energy bombs over time, they beak down. Then the blood's pH levels stay high and the desperate body begins to leach calcium from the bones and teeth to bring down the pH levels.

Dentists thrive on this condition. I suppose most of them never have a clue. Stomach trouble, mental problems, varicose veins, gum decay, obesity, coronary problems and diabetes have all thrived as our sugar consumption has risen. Unlike the refined white drugs like opium, sugar remains cheap and legal. It and its equallydangerous "pardner" corn syrup, are in most of the processed foods we buy today.

If we wish to find a substitute, we get offered poisons like aspartame and Splenda. The safe substitutes like fruit sugars and the sweet herb stevia are ignored.

All of the pure white salt crystals in our markets plainly show they too have been robbed of their minerals. The poison metal aluminum has often been added to make the salt pour more easily. Healthy bodies need healthy salt that's grey and still has the minerals left. This kind of salt is best taken from seaside settling ponds on the coasts of France, New Zealand, etc. It may cost over \$10 a pound from the hand work involved. Less-costly salt from inland deposits that are not processed may not have the natural poisons most persons now call salt. Good salt and the small salt grinders necessary, are not difficult to locate. "Sea salt" labelling means nothing if the stuff is

pure white. The same "tip off" applies to flour. When the live energy (or germ) is removed from grains and rice, most of the vital minerals are also gone. This reduces spoilage and boosts profits for the giant cartels selling the flour and foodstuffs but it may as well be another poison to the body. The white flour produced is like glue in the gut and eventually coats the intestines to the point that nutrient absorption is hindered. For years wall paper paste was made with high-gluten wheat flour . . . which should prove the point. Autopsies have shown most persons carry around pounds of this gunk, yet very few persons will make the effort to switch to whole grains. Fast foods and processed "fake foods" fill our hospitals but it's too much trouble to switch. Parasites just love all the gunk in the gut and this just adds to the problems. Switching to whole wheat bread is often a waste of time since the same old bromided, nutrient-stripped flour is used . . . with coloring. Before the greedy corporate empires took over our food production, every area had a flour mill and all the sophisticated processing seldom took place. Hospitals were few and far between. Health food stores are a step in the right direction. Were it not for the prana or "life force" we get from good water and decent air, we would never make it.

### A Call for a Lobster-Free Summer and Year Erring on the Side of Caution:

Caution: Assuming Lobsters Can Feel Pain

**By Valerie Stanley** Laurel, Maryland

Heat can be devastating for humans and animals alike. One particularly hot day last summer I remember praying that I would be able to come across some animals that needed relief from the heat and that I would be able to help them. Living in a somewhat rural area, I was absolutely sure that my prayer would be answered and that, through my various travels that day, I would find some horses in a sunny field without shade or water. Alternatively, I thought I might find an abandoned truck full of pigs or cows on the side of the highway or a dog left in a car in a parking lot (with the windows cracked, of course). I found nothing of this sort all day and I thought that perhaps my prayer had not been heard.

I stopped at Giant on the way home and went to the frozen food aisle to get some veggie burgers for dinner. God is an endless source of surprise to me and, as I surveyed the veggie burger offerings trying to recall which ones my husband and son liked and didn't like (my daughter does not yet eat veggie burgers), my attention was drawn down the aisle to the lobster tank. The tank and the lobsters still exist in this store despite my request, when the store first opened, to give up selling live lobsters. This store could have cared less. But there is a store that does care about such issues, as I'll explain later.

I try to avoid this section of my grocery store because, frankly, I'll say it, I feel bad for the lobsters. Piled on top of each other, their only source of ability to fend for themselves rubber-banded slammed shut, the lobsters wait, unknowingly, for a horrible end to their lives.

Okay, God, you are right, why did I doubt? Perhaps more than any other animal, lobsters need relief from the heat.

In my studies of this topic, I learned that in 2004, best-selling author, David Foster Wallace, wrote an article called, "Consider the Lobster." Wallace had been hired to cover the Maine Lobster Festival, a 50-plus-year tradition, for Gourmet Magazine. Wallace recounts that the feature attraction of the festival is the World's Largest Lobster Cooker. This huge vat is capable of cooking over 100 lobsters at a time. Wallace aptly describes lobsters' reactions to being cooked: "However stuporous the lobster is from the trip home (from the grocery store), it tends to come alarmingly to life when placed in boiling water. If you're tilting it from a container into the steaming kettle, the lobster will sometimes try to cling to the container's sides or even to hook its claws over the kettle's rim, like a person trying to keep from going over the edge of a roof. "And worse is when the lobster is fully immersed. Even if you cover the kettle and turn away, you can usually hear the cover rattling and clanking as the lobster tries to push it off or the creature's claws scraping the sides of the kettle as it thrashes around. The lobster, in other words, behaves very much as you or I would behave if we were plunged into boiling water (with the obvious exception of screaming). A blunter way to say this is that the lobster acts as if it's in terrible pain."



World's Largest Lobster Cooker.

According to the proponents of cooking lobsters, since lobsters do not possess a cerebral cortex, they are incapable of feeling pain in the same way we do. Wallace notes that the cerebral cortex in humans is that part of the brain which allows us to experience suffering, distress or the emotional experience of pain. However, whether lobsters know or understand that they are experiencing pain, i.e. that they are distressed about the physical experience of being boiled, this is only one of the criteria that would allow us to understand how they do experience pain. Wallace explains that:

"There happen to be two main criteria that most ethicists agree on for determining whether a living creature has the capacity to suffer and so has genuine interests that it may or may not be our moral duty to consider. One is how much of the neurological hardware required for pain-experience the animal comes with – nociceptors, prostoglandins, neuronal opiod receptors, etc. The other criterion is whether the animal demonstrates behavior associated with pain."

And it takes a lot of intellectual gymnastics and behaviorist hair-splitting not to see struggling, thrashing and lid-clattering as just such pain behavior. According to marine zoologists, it usually takes lobsters between 35 and 45 seconds to die in boiling water.

To this I reply, take out your watch, look at the second hand and imagine yourself in boiling water for 35 to 45 seconds. You, too, would do anything to avoid it. Wallace sees the lobster's actions in response to being boiled as an indication of the lobster's preference not to be in boiling water.

This preference is certainly biologically based. Lobsters can detect single degree changes in water temperature. Lobster's preferred water temperature is 45-50 degrees and they migrate over one hundred miles per year in search of the water temperatures that they prefer. They prefer to be solitary and avoid bright lights.

The latter two preferences of lobsters and the inability to keep the animals in these conditions in captiv-

"That only happens when I get near alligators. Ooops, here comes another one." Tincture Alice turned aside and let go another eruption.

"Alice, go calm down and call everyone else into the dining room. I think we can conclude the sale with a short meeting."

Alice took the thirty dollars from Sugar Spike and proceeded to gather everyone into the room. Palette Jack arrived first.

"Wow, we're getting bought out? By an organic distributorship in Baltimore?" He could not have been more enthusiastic. "Mr. Spike, I just want to say that you have my vote. With a \$200,000 cash injection, we can better position our date-walnut granola against aggressive marketing by abacus manufacturers." Palette Jack had been taking business courses at the community college and was always waiting for an opportunity to show off his new knowledge.

"I believe my offer was for \$100,000," replied Sugar Spike.

Kim Anderson came in. "Who's buying the co-op for \$500,000?" he said. "Just remember, everyone, that according to the by-laws the ten founding members split the first \$400,000 among them."

Aunt Chloe came in, wiping her hands on an apron. "We're selling for ten million dollars? Let's do it!" Sugar Spike leaned back in the chair, put his feet on the table and folded his arms on his chest. "Ladies and gentlemen," he said magnanimously, "I work for the Beyond Pathetic oil company and today's your lucky day. Each one of you will get a share in the oil field we're going to drill right under this store. Just form a line so you can sign on the paperwork. No need to crowd each other."

By the time Sugar Spike was chased out of the parking lot, the co-op's members had heaved their entire inventory of Russian heirloom tomatoes and bottles of rancid blueberry smoothie at the disgraced salesman and his rented SUV.

Latonya Rotterdam felt half foolish for almost falling for the scam and half relieved that the truth came out just in time.

"Does this mean we don't get the \$100,000?" asked Tincture Alice.

"That's right, Alice," responded Rotterdam, "but we kept our little co-op. Something tells me we haven't seen the last of Sugar Spike, though."

Mark Lautman writes humorous articles on technology and the holistic lifestyle.

Remember, "color" and "fresh" are good while "old" and "white" are not so good.

Wallace describes the town's (factually incorrect) opposition to allegations that lobsters feel pain when we boil them individually at home or when they are boiled en masse in the ity were among two of the reasons the Whole Foods chain decided to give up holding and selling live lobsters (and crabs) in its stores. According to a press release issued in 2006, Whole Foods Market further looked into the biology and sentience in lobsters, including studying the final report of the November 2005 European Food Safety Authority Animal Health and Welfare panel which concluded all decapod crustaceans, including lobsters and crabs, are complex in behavior and appear to have some degree of awareness, feeling pain and having the ability to learn.

Whether we know for certain that lobsters can or cannot experience distress in response to being boiled, it is obvious that their preference is not to be. We know this from their behavior in the wild and we know it by the actions they take when people attempt to cook them. With these facts in mind, perhaps the best approach is to err on the side of caution and not subject them to this experience at all.

Valerie Stanley is an Adjunct Professor of Animal Law at the University of Maryland School of Law; she also advocates and litigates to preserve wild horses and burros living free on the public lands in the Western states.



Don't let Costco get away with the wholesale destruction of our oceans. We have the ability to do amazing things. Together, we convinced Trader Joe's to become better stewards for the environment. And, at the recent International Whaling Commission meeting, Obama's team kept his promise to work to save whales thanks to huge amounts of public pressure.

Now it's time put an end to wholesale ocean destruction.

Costco is selling more than

just cashews and wine. In its freezers you'll find endangered fish. Greenpeace surveys found that Costco continues to sell fifteen of the twenty-two Red List seafood items.

Costco is destroying our oceans through its horrible seafood-purchasing practices and leaving customers, like YOU, in the dark by hiding the truth.

We can change the way that Costco does business by spreading the word and making sure that people everywhere know

# Costco Selling Endangered Seafood

the truth about their seafood.

Our oceans need YOUR help! Recent scientific studies have shown that 90 percent of the world's top predatory fish have disappeared and that unless current fishing practices change, global fish stocks will collapse by the middle of this century.

Every year, supermarkets ring up nearly \$16 billion in seafood sales. Much of this seafood is caught or raised unsustainably. Greenpeace believes that supermarkets have a responsibility to their customers and the environment to avoid purchasing seafood from destructive fisheries and fish farms. That's why we launched our sustainable seafood

### What do we want supermarkets to do?

• Remove Red-List species from their shelves.

• Adopt sustainable seafood purchasing policies.

• Provide clear and informative labeling on all the seafood products they sell.

campaign in June 2008.

As a result, many supermarkets have improved their seafood-buying practices and consumers have been empowered to speak up on behalf of the oceans. However, while it's thrilling to see so many improvements, there's still a lot more ground to cover.

Just as our work has encouraged and illuminated progressive seafood retailers around the country, it has also exposed a group of laggards that continue to sell unsustainable seafood with impunity. These companies have yet to take any meaningful action to address the rampant environmental destruction caused by their seafood-purchasing behavior. Within this category, one company in particular is wreaking havoc in our oceans on an unparalleled scale: Costco.

Now it's time to shine a spot-

light on Costco and expose the truth behind their destructive seafood policies. In our toolkit you'll find the background, tools and materials necessary to help get Costco to do the right thing.

By taking action, activists like yourself will not only be helping Costco to improve their seafoodpurchasing practices but will be helping to bring up the entire industry standard.

Download the toolkit today at http://us.greenpeace. org/site/DocServer/Costco\_Seafood\_Toolkit. df?docID=561&autologin=true and help us spread the word in your community!

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philosophy of Earth-care)

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### The Order of the Earth: August 2010, Page 15

Letters to the Editor



### Gas Firm Sues for Access to Private Property

### Submitted by Angel Smith Clearville, Pennsylvania

#### **By Elizabeth Coyle**

Bedford Gazette, PA July 10/11 Weekend

A Chaneysville widow who ordered representatives of Columbia Gas Transmission off her property earlier this year is being sued under federal statutes to force her to allow access to her property.

Columbia Gas Transmission started the flow of legal documents to the home of Mary Ellen McConnell, 2278 Ragged Mountain Road, Southampton Township, this week. McConnell on Tuesday received four legal documents and a letter thus far – 51 pages that include a one-page letter, a civil complaint against her, a motion for preliminary and permanent injunction and a memorandum in support of the motion.

Columbia wanted the U.S. District Court located in Johnstown (PA) to force McConnell to allow Columbia's seismic testers access to her property starting July 25.

Columbia maintains that it has a valid lease "for the purpose of performing and storing natural gas." The lease agreement was obtained from McConnell's predecessors in interest in 1969, the company maintains. The lease agreement was later supplemented. A deed signed in May of 1976 conveyed from Mary M. Trail to Mary Ellen and her late husband, Ralph, the 125-acre property that "includes all the lessee's rights under the aforesaid oil and gas lease."

McConnell said the lease was canceled in 2008 and is no longer valid. She said about three years ago, she began returning the lease payment checks and asked for release. She sent the company a form canceling the lease. It wasn't until about a year later that the company responded that, "They weren't interested in canceling the lease," McConnell said.

"You have to have two people to agree to a lease. When I sent my check back with my request for cancellation of lease . . . technically that was like an eviction notice," she said.

Columbia Gas Transmission repeatedly has sent mail addressed to Ralph, who passed a summons and she will have 60 days from the same date to answer the complaint. But, if she doesn't, the company has the right under federal rules of civil procedures to "require you to pay the full costs of such service," a Columbia Gas Transmission filing states.

"There is not a damn thing I can do. There isn't money to hire an attorney. My hands are tired," McConnell said.

Columbia said it is vital that it be allowed to exercise its lease and gain access to the property that lies on the company's Artemas A storage field. The company said the litigation will protect Columbia's present and future right of access to the McConnell property and will protect its right of ingress and egress to the surface and subsurface "for the purpose of operating and maintaining its underground storage field and related facilities."

Under Pennsylvania law, an owner of land that is subject to an easement may not "interfere substantially" with the easement, according to the memorandum filed by Reed Smith LLP of Pittsburgh, Columbia' legal firm on the case.

The company analysis will also enable Columbia to determine whether future development of the storage field is warranted, which would increase the availability of natural gas to the public during periods of peak demand," the document states.

The facilities for this new potential service may cost in the range of \$50 million at Artemas and \$100 million to \$200 million for downstream pipeline and compressor station facilities to move the stored gas to the mid-Atlantic market, the motion for the injunction states.

The source points on McConnel's property will send sound waves to hundreds of geophones on neighboring tracts covering "multi-square miles," the document states. Access to the property is therefore critical to obtaining the most accurate seismic analysis of the Artemas storage fields, the company said.

There is "no practical substitute method of mineral exploration" to obtain the information Columbia says it needs.

The storage fields Artemas A and B are located in southern



New York residents at a Lower East Side Ecology Center recycling event.

### Judge Dismisses Electronics Industry Case Against NYC E-waste Law

NEW YORK, New York, June 29, 2010 (ENS) — A federal judge Monday dismissed a lawsuit brought by electronics companies against New York City's new e-waste recycling initiative.

Panasonic, LG Electronics, Sony and Samsung sued the city arguing that the new recycling law could end up costing them as much as \$200 million a year to comply with the recycling initiative even if they only had minimal presence in the city.

But a new, stronger, statewide law passed May 29<sup>th</sup> preempted the New York City electronics recycling law, which the judge ruled made the lawsuit against the city moot. The statewide law holds electronics manufacturers liable for the costs of collecting and recycling electronic waste.

The parties in the case had been holding negotiations on plans to collect and recycle the city's e-waste. Both sides said talks will continue now that the suit has been dismissed.

The city e-waste recycling initiative became law in 2008 and was scheduled to take effect in the second half of 2009 when the electronics companies requested an injunction. The new state law will go into effect ics recycling. The Electronics Takeback

Coalition has created a map outlining electronic recycling laws in a total of 23 states that now have e-waste laws.

"Here we had many electronics companies who had very clear public statements in support of producer takeback and producer takeback laws, yet they were hiding behind their industry associations that were calling these laws 'unconstitutional,' said Barbara Kyle, national coordinator of the Electronics TakeBack Coalition.

"This was a very bad PR position for these companies to be in and it made them want to settle this case and made it easier to pass the legislation at the state level," she said.

Under the New York State law, all manufacturers that sell electronic equipment in the state must have a free, convenient electronic waste recycling program in place by April 1, 2011.

The law covers televisions, computer monitors, computers, keyboards, mice, printers and cables. It gives manufacturers latitude to create collection programs that fit their specific business model so long as they

### Our Articles

#### Hi Iona,

Thank you for sending me the July issue . . . it's great and I love the article by Criss Cefus and all the pictures of her garden. I've been to her gardens and they are so beautiful. If you have any readers in northeast Ohio, I hope they can stop by and see them sometime.

And in response to the question, "Could I live in a 12 x 12 cabin with no water or electricity?" (headline of an article last month), my answer is YES!! I would do it in a heartbeat but not in Zones 1 or 2. I think I'd much prefer 3 or 4, please! As long as I had a wood-burning stove, a source of wood, an outhouse and QUIET, I could get along just fine and I'd love it. Oh, wait a minute . . . what about the Internet? Could I give that up?

I'll have to think about that one! **Doug** 

### Northeast Ohio

#### Hi Iona,

Thanks for the beautiful presentation of the murex poem! (July OE)

I hope we are at a crossroads where people will now realize that we need to shape a new and cleaner future for our planet.

You did a wonderful job on the newspaper.

Happy Friday!

Very best,

*Sandy Chilcote* Newfoundland, Canada

#### Iona,

Your paper is a voice in the wind, much needed. We meant to renew our subscription and will do it now, sorry for the delay.

The Marcellus Shale is the coming disaster in Pennsylvania similar to the Gulf BP disaster (it's important to refer to BP) in Louisiana.

We are taking some action in Harrisburg July 17<sup>th</sup> that refers to the Marcellus shale extraction. More later. Keep up the good work. We will view the issue (Chemtrails) online shortly. *Jack and Kathie Hendricks* McConnellsburg PA

#### Iona,

Wonderful paper for July (maybe your best?). Many good articles. Am sending my copy to my middle daughter in Vermont. I know she and her husband will enjoy it. The garden on page 2 looks like theirs think a complete paradigm shift is needed.

We can't keep living this way and I don't think reform will help.

Thank you for the compliments on the cell-phone theses. You are more than welcome to print them in your paper!

Take care; live well. Again, thanks for the paper! Your pal,

Jason Rodgers Albany, New York

### David Dees BP and Book

Hey,

I finished the book (<u>Politi-</u> <u>cal Art of David Dees</u>) a couple weeks ago; that is why you are starting to see new pieces again.

In my time off I was wondering, while being so idle, what new art I would be doing and if I could ever come up with art as powerful as I had done in the book. How horribly sad that I am now illustrating the world's worse pollution disaster that is threatening the whole planet. Imagine how people in the south feel now and probably soon the rest of the planet.

The book goes to the publisher this week; we have signed contracts, waiting for the go-ahead. It will be ready in August. Go to deesillustration.com for information on how to get it. *David Dees*, Sweden

(See David's artwork on page 4.)



### Earth First! to OE

Dear Iona,

Thank you for your lovely letter! Reading your newspaper gave us a breath of fresh inspiration! Outstanding work. Really. We commend you.

Subscription exchanges work well. We will be able to send you our upcoming newsletter but we will have to revisit all exchanges during our transition to the quarterly format next year.

Thanks for your great, biocentric efforts!

For the Wild, *EF! Journal Collective* Tuscon, Arizona

### Distributing OE in Canada

#### Hi Iona,

The newspapers have arrived and been sent out with the "Rights of Mother Earth" and I would say, as I have for a long time, that all life on Earth has a right to clean air and clean water – and, of course, to clean food.

### ewfoundland, Canada **na,** Your paper is a voice in the

away in 1999. The mail came to his name even after she sent a copy of his death certificate at the company's request.

In addition to the letters to her late husband, McConnell voiced frustration in her correspondences and communications with the company. She said she made frequent calls to Columbia to "solve this dispute" to no avail. She asked for maps of the area that she didn't receive for six months. In the last week of April, she alleges that a representative advised her he would be coming on her property May 1 and that she should "get the law" in case of a dispute. The representative didn't show.

McConnell said she doesn't plan to respond in any manner to the lawsuit. The company has asked her to sign a Request for Waiver of Service of Summons. IF she complies and returns the waiver within 30 days of the date the notice was sent, July 2<sup>nd</sup>, the company won't have to serve her central Bedford County and in Allegany County, Maryland. Both fields are on Oriskany sandstone reservoir reaching a depth of between 4,800 and 5,800 feet. Together, the two fields have 21 wells and 18 miles of pipeline. More than 21,000 acres are leased for storage in the two fields, the company states on its Web site.

McConnell said she fears for the groundwater, septic systems and even buildings that could be impacted if an explosion occurs. "Remember again Deepwater Horizon (Gulf oil leak), Que Creek mine, Clearfield County explosion" and a natural gas explosion she believes occurred around 1976 near Artemas.

"I have a right and a responsibility to be afraid of these environmental terrorists," she said in a written statement. "NIMBY (Not In My Back Yard) and NOPP (Not On Private Property)."

A call to Columbia's communications department wasn't returned Thursday.



in April 2011.

The new state law requires manufacturers to pay \$5,000 to register with the program, and an additional \$3,000 each year in reporting fees to report to the state how much material they have recycled.

The bill allows manufacturers to charge a fee to businesses with more than 50 employees or nonprofit organizations with more than 75 on staff. Manufacturers will be required to meet collection goals and provide convenient collections.

The industry also has been fighting similar attempts by other states to require electron-

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collect the statutory minimum amount of waste each year.

The new law also makes it illegal for individuals to dispose of electronic waste at landfills, effective January 1, 2015.

According to the U.S. Environmental Protection Agency, e-waste contributes 70 percent of the toxics but just one percent of the volume of materials found in landfills. Toxic materials in e-waste include lead, mercury, cadmium, phosphorus and flame-retardants. Recycling e-waste decreases energy and water use, reduces pollution and keeps hazardous chemicals out of air and water.

*Loved* your article on Pensacola visit and photos – terrific!

Don't know how you do it but all of us are surely grateful (BP not), including Mom Earth. *Sunny War Eagle* Marianna, Florida

#### Hey Iona,

A pleasure to hear from you! Good to see the issue of *The Order of the Earth*. I definitely appreciated a number of the articles – The Yes Men and the Dow run, Jensen, 12 x 12 cabin. The article about cap-and-trade I'm unsure about – cap-and-trade seems to be an illusory solution. I tend to Those who pollute the Earth deny these basic rights to others and I think that is acting unethically.

Though they may think that they are acting in their own selfinterest, they are actually soiling their own dens and harming themselves, their families and the future of all Earth's families. Very best,

Sandy Chilcote

Newfoundland, Canada

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## The Order of the Earth: August 2010, Page 16 **Grassroots Power**

# How Making a Difference Can Make You Happy

#### By Tim Kasser YES! Magazine

Democracy depends on the time, energy and engagement of ordinary people. But it remains quite difficult to motivate average citizens even to vote, much less to engage in the more intensive forms of political activism needed to counteract powerful forces that work against rule by the people.

That's why Malte Klar and I set out to determine whether people's engagement in political activity might be associated with the motivator of personal well-being. In other words, despite the struggles inherent in political activism, does being politically active brings its own rewards in terms of happiness and life satisfaction? Such a relationship seemed plausible to us, given past studies illustrating the well-being benefits of volunteering and of having pro-social attitudes and values.

To test this possibility, Klar and I surveyed one group of 344 college students and then a larger group of 718 adults (all United States residents, half of whom were recruited from an online activism registry and the other half of whom were community members recruited to match the activists on several demographic variables).

Subjects' political activism was assessed via measures like their commitment to activism (e.g., "I take the time I need to engage in activism") and their sense of identity as an activist (e.g., "Being an activist is central to who I am"). Subjects were also asked how often they planned to or had participated in activist behaviors - ranging from sending "a letter or email about a political issue to a public official" to higher-risk activities like engaging "in a political activity in which you knew you will be arrested."

Statistical analyses showed that after controlling for demographic factors like age, race, political orientation and education, study participants who scored higher in political activism also reported higher levels of personal well-being. Specifically, political activism scores were associated with feeling more pleasto 18 percent of the community sample.

Because these correlational findings cannot establish whether being politically active actually caused increases in wellbeing, Klar and I conducted a third study. We asked students to write letters to the head of their college's dining services. Some students were assigned to write about "hedonistic" aspects of the food, commenting on the food's taste and how enjoyable it was to eat, while other students were assigned to write about ethical and political aspects of the food, such as whether its production supported fair trade and social justice.

Afterwards, students reported on their current personal well-being. Even with this relatively weak and short-term political action, results showed that subjects assigned to write about political issues reported feeling significantly more alert, energized and alive than did those who wrote about the hedonistic aspects of food.

There are of course many limits to the three studies Klar and I conducted, including their use of only U.S. citizens and their shortterm nature. Our results also have an important caveat: Engagement in "high-risk" activist behaviors that can lead people to get arrested or physically injured bore no systematic associations with personal well-being.

Nonetheless, the results clearly suggested that being politically active is associated with higher levels of personal well-being and may even cause improvements in vitality.

Politicians and activists typically attempt to motivate ordinary citizens to participate in democracy on the basis of moral appeals or attempts to fix a problem. Our results suggest that it might also be worthwhile to highlight the internal rewards citizens can obtain from being politically engaged: A sense of satisfaction, the experience of pleasant emotions and of connection with others, and a feeling of aliveness.

Tim Kasser, Ph.D., wrote this article for YES! Magazine, a national, nonprofit media organization that fuses powerful ideas with practical actions. 11m is professor and chair of Psychology at Knox College in Galesburg, Illinois. The paper this essay is based on was published in the journal Political Psychology under the title "Some benefits of being an activist: Measuring activism and its role in psychological well-being."

On Monday night, we visited Grace Lee Boggs at her home in Detroit on the east side, where she has lived for over fifty years. The city is considering declar-

Grace Lee Boggs: You know, 1999. And the slogan, "Another World Is Possible," emerged out of a completely new mentality when people recognized that essentially those in control are dysfunctional and that the old social democracy dependence on those in power to give you things, that period is over. And I think it's really wonderful that the Social Forum decided to come to Detroit because Detroit, which was once the symbol of miracles of industrialization and then became the symbol of the devastation of de-industrialization, is now the symbol of a new kind of society, of people who grow their own food, of people who try and help each other, to how we begin to think, not so much of getting jobs and advancing our own fortunes but how we depend on each other. I mean, it's another world that we're creating here in Detroit. And we had to. I mean, we didn't do so because we are better people than anybody else but when you look out and all you see is vacant lots, when all you see is devastation, when all you see - do you look at it as a curse or do you look at it as a possibility, as having potential? And we here in Detroit had to begin doing that for our own humanity. Anjali Kamat: So what do you think the rest of the United States can learn from Detroit? Boggs: Well, I'm hoping they

will learn and I spoke to two young groups today, one of them from California and another one from Ithaca, New York. Downtown they had come in vans for the Social Forum. I hope they understand from Detroit that all of us, each of us, can become a Cultural Creative. That's what's taking place. We are creating a new culture. And we're not doing it because we are such wonderful people. We're doing it because we had to, I mean, not only to survive materially but to survive as human beings. We couldn't give up. And that's

we don't have to live that way, that that was only 300 years, that before that, people thought that the Earth was more important than land and that work was more important than a job. This capitalist society has not lasted forever; it's only a few hundred years old.

Goodman: Your assessment of how President Obama is dealing with these issues? Exacerbating them or solving them?

Boggs: Well, I think that anyone who attempts a topdown solution can't succeed. And I don't think that, from the very beginning, he was so close to the grassroots. I think that he had – I think he – I don't know. I remember asking Bill Ayers once, who knew Obama in Chicago, "How would you characterize him?" He says, "He's a very ambitious person. He believes in advancing and climbing the ladder." A lot of people believe that, that when you climb the ladder and you end in the White House and you have the Pentagon and you don't - and you rehire Bob Gates and Lawrence Summers. It's very sad. It's very sad. But I think it's very helpful to understand that, you know, when - I'm going to be talking to Wallerstein. Wallerstein understands how the feudal lords could not run European society, how the serfs were running into the cities, how disease was spreading and they became dysfunctional. And I think we see the dysfunction in the White House. We see the dysfunction at the top level. We see how they propose top-down solutions for education, for example: testing, more testing, more standardized testing, punishment.



This mural in Seattle's Chinatown echoes the slogan of the World Social Forum: 'Another world is possible.' The World Social Forum is an annual meeting based in Brazil that defines itself as "an opened space – plural, diverse, non-governmental and non-partisan - that stimulates the decentralized debate, reflection, proposals-building, experiences exchange and alliances among movements and organizations engaged in concrete actions towards a more democratic and fair world . . . . It is held by members of the alterglobalization movement (also referred to as the global justice movement) who come together to coordinate world campaigns and inform each other about movements from around the world and their issues.

# The Answers Are Coming from the Bottom

### Legendary Detroit Activist Grace Lee Boggs on the U.S. Social Forum

By Amy Goodman and Grace Lee Boggs Democracy Now! June 23, 2010

Amy Goodman: We're on the road in Detroit on the opening day of the U.S. Social Forum. Thousands of people are here for one of the largest gatherings of grassroots activists and community organizers in the country. The event this week marks the second time the Social Forum has been held in the United States. The first one was three years ago in Atlanta. Detroit is a city with one of the highest unemployment and foreclosure rates in the country. But to many longtime Detroitbased activists, the city today is not just a picture of devastation and ruin. To them, Detroit is a city of hope, a place that seeks to nurture sustainability and community-building. Democracy Now!'s Anjali Kamat and I spoke to the legendary Detroit-based radical organizer and philosopher Grace Lee Boggs. Born to Chinese immigrant parents in 1915, Grace Lee Boggs has been involved with the civil rights, Black Power, labor, environmental justice and feminist movements for over the past seven decades. Along with her late husband, Jimmy Boggs, Grace has been at the forefront of efforts to rebuild urban communities. In 1992, she co-founded the Detroit Summer youth program to renew her city. Grace Lee Boggs turns ninetyfive this week and is speaking at a number of events at the Social Forum, including a public conversation with Immanuel Wallerstein.

ing her home to be an historical landmark because it has served as an incubator for countless social justice organizations. We asked Grace Lee Boggs to talk about the importance of the U.S. Social Forum coming to Detroit. the World Social Forums began after the Battle of Seattle in

ant emotions, reporting greater life satisfaction and having more experiences of freedom, competence and connection to others.

Our application of past research on "psychological thriving" further showed that 28 percent of the politically active adults had reached this highest level of well-being, compared



why I think – that's what I hope people will learn, because the United States is going through some difficult times and unless we understand that and that that is what it means to evolve – to see what is negative as a potential positive.

Goodman: Grace Lee Boggs, we're here with you in Detroit at the time of the U.S. Social Forum – Detroit, the center of the fossil fuel economy – at a time where, in the Gulf of Mexico, it's experiencing the worst environmental catastrophe in U.S. history, the BP oil geyser. The wars in Iraq and Afghanistan are continuing. How do you put these together? And what needs to be done about them?

Boggs: Well, I think we have to see this as an opportunity and not just as a danger. I mean, it's difficult to do that and look at the catastrophe in the Gulf and to look at what's happening in Afghanistan and not think that the world has come to an end.

But it's a fantastic opportunity to - you see this T-shirt? It says, "Revolution is evolution." It's this fantastic opportunity to advance our humanity, to become more creative, to know that there are other ways to live and the way that we have lived has been at the expense of so much, so many other people and so many of the Earth and that

The answers can't come from the top.

And that's why the Social Forum is so important. The answers are coming more from the bottom.

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