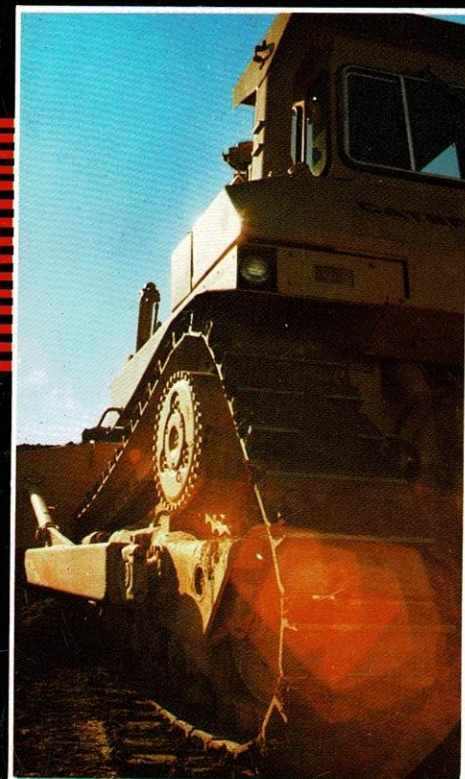


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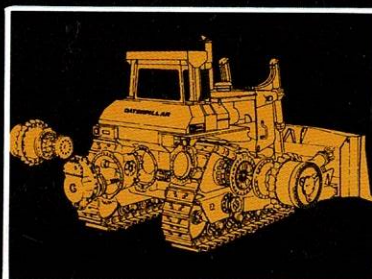
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
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Index to Advertisers

Anderson Equipment	7
Call Detroit Diesel Allison	16
Carter Machinery	Back Cover
Chamberlaine & Flowers	46
C.I. Walker Machinery	44
Cummins Cumberland	48
D&D Reclamation	47
Fairchild	1
Flat Top Insurance	Inside Front Cover
Hansford Seed	47
Massie Brothers Reclamation	26
McDonough Caperton Shepherd Group	17
Ohio Seed	26
Penn Line Service	2
Rish Equipment	Inside Back Cover
Robins & Associates	2
Willco Reclamation	46
Worldwide Equipment	27

Green Lands

Volume 14 Number 4

- 4 **The Imbalance of Power**
Editorial
- 8 **FOCUS/85**
A coal workshop for the West Virginia Legislature
- 18 **Acid Rain: What's the Real Story?**
Analyzing a controversy as only Dr. John McKetta can do it
- 28 **Chronicle**
Coal news and related comments from 1984
- 47 **Calendar**
Upcoming events in the industry

Our Cover — The Spring issue of Green Lands will cover the 1984 Reclamation Award Winners. Featured on our Winter cover are representative winners of recent years. From Top to bottom: Allegheny Mining Corp., which won an award in 1982, Davis Trucking Co., a 1981 winner, and Elk Run Coal Co., Inc., honored just last year as the first winner of the "Callaghan" Award for overall excellence.



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The Imbalance of Power

Let's go back in time, back to before we had labor relations boards, and negotiating committees, and ump-teen pounds of laws and regulations. Best of all, let's back up to before this country was governed by the courts, back to when the people and their elected representatives had the final say in what our laws should do to and for us.

Let's go back to the time of the new American constitution, for the framers of that great document were reasonable men, with no vested interest in what goes on today, save their desire to create a form of government which would not only endure, but which would also nurture its people, and enable them to prosper. For purposes of this discussion, we must ignore those unfortunate institutions which marred human rights of the day, namely indentured servitude and outright slavery.

In those days, Americans had just thrown off the king's yoke, and they had choices to make. Those choices are what earned America's reputation as the land of opportunity.

Certainly, it was considered reasonable for a man to open a place of business, and to earn a livelihood from it. Our society still claims to believe in that right.

If the business prospered, it was a natural development for the proprietor to hire other people to help carry the load. In those days, as in centuries before, the law of supply and demand prevailed in determining wages for employees.

The more skill required to perform a given job, the fewer people were capable of doing it. The fewer people willing and able to do a job, the higher the wage. In short, the employer offered the lowest wage which would attract the necessary skills. He offered a wage, and if that figure did not enable him to hire and keep a qualified employee, then the wage was necessarily

raised.

In any case, the matter of wages was settled between employer and prospective employee. Once the wage was settled, the employee would perform the designated tasks and receive the agreed upon wage. The arrangement was simple, and generally could be terminated by either party at any time.

The key principle here is that the agreement was freely entered upon by both parties. Through in practice, the employer usually held the upper hand, because, while each became somewhat dependent on the other, the employee's dependence was generally greater. If the two came to a disagreeable parting of the ways, it was usually easier for the employer to find a new worker, than for the employee to find a new job.

This was particularly true in multi-employee situations, where the loss of a single employee would obviously have far less impact on production than the loss of employment would have on the employee.

Therefore, it was quite natural that employees of a given company, or of a given industry, would band together to seek higher wages and/or better working conditions. This, of course, was the genesis of the labor union. Workers united under a common banner, and agreed that none of them would continue to work for the employer under prevailing conditions. Thus, the strike.

At this point, the employer had available two courses of action. He could capitulate to the workers' demands, or he could employ an entirely new work force. He would naturally prefer the latter, as being the more economical. If, however, he found this disruptive to production, or if he was unable to adequately replace the skills possessed by the striking workers, he would have little choice but to concede

to their demands.

At this point, the employer-employee relationship is still governed by the law of supply and demand, as well it should be.

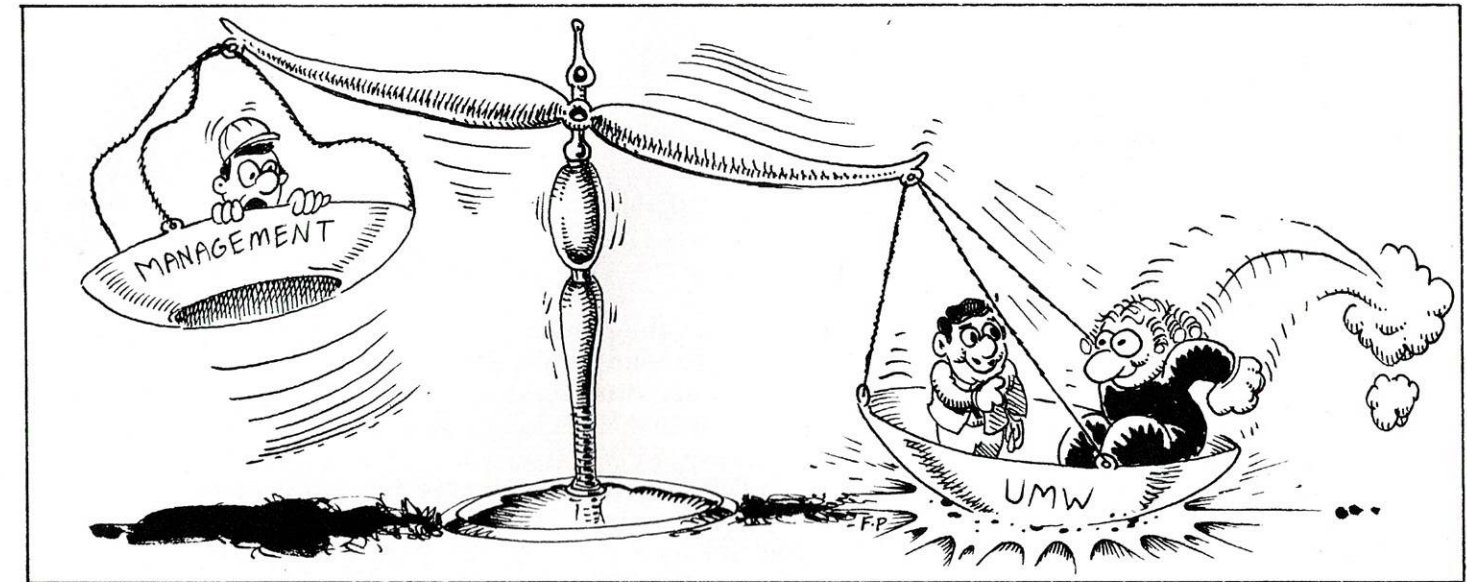
Two things, however, muddled the waters. One was the use of brute force by the employer; the other was the use of brute force by the employees.

Union-busting, the use of force and intimidation to discourage workers from uniting, was the tactic of the employer. Curiously, we have never given a similarly colorful name to union mayhem, but it amounted to the same thing, violence, destruction of property, and physical intimidation.

Violence, in nearly every form, is frowned upon by civilized societies. So, let us suppose that government has always had the means, and the will, to prevent labor related violence. Let us further suppose, while we're on a flight of fantasy, that government was not inclined to interfere in the negotiating process, except to insure that reason and order prevailed.

Where would we be then? What natural laws of reason would govern the employer-employee relationship? These might be reduced to a procession of principles, all of which seem to be eminently reasonable:

- 1) An individual has the right to engage in lawful business.
- 2) That individual has the right to employ other individuals to assist in conducting that business.
- 3) This individual, called the employer, has the right to offer whatever wage he believes necessary to attract other individuals, called employees, to his business.
- 4) The prospective employee has the right to accept or decline employment at the wage offered.
- 5) Once accepted, the employee has the right to expect payment when the agreed upon work is completed.



6) Once accepted, the employer has the right to expect the agreed upon work to be completed in return for the wages offered.

7) If the employee desires a change in the agreed upon wages, and/or the working conditions, he has the right to request a change of the employer.

8) The employer has the right to approve or deny such changes requested by the employee.

9) The employee, if dissatisfied over denial of his requests for changes in their working arrangement, has the right to terminate his employment.

10) The employer has the right to replace any employee who might choose to terminate his employment.

That's about it. The employer does not have the right to force a worker to work for any wage, under any condition, if the employee chooses not to.

Conversely, the employee does not have the right to force the employer to hire or retain him under wages and/or working conditions of the employee's choosing.

So why isn't it? Where in this ten-step process did we veer away from the law of reason? Let's look at the ten principles again with an eye to how they have been applied in American society.

1) **An individual has the right to engage in lawful business.** This principle has been retained, though greatly tempered by constantly shifting

legal definitions of what is lawful business, and severely stunted by laws and regulations which dictate precisely how an individual must conduct the business.

2) **That individual has the right to employ other individuals to assist in conducting that business.** This too, we have retained, though again, it has been significantly altered by law.

Some of this is desirable, such as laws restricting child labor. Some are good in practice, namely those which combat discrimination, but rather weak in constitutional basis. Others are ridiculous. The one that leaps to mind is the law of 28 states which tells the employer that he cannot hire an employee who refuses to join a labor union which has been duly designated to represent other workers in that business.

3) **This individual, called the employer, has the right to offer whatever wage he believes necessary to attract other individuals, called employees, to his business.** Again, this has been dramatically affected by law in the form of minimum wage requirements. There is a reasonable argument to be made for minimum wage laws, but it questionably works against part time and summer time workers, particularly young people.

4) **The prospective employee has the right to accept or decline employment at the wage offered.**

This, being a workers' right, has not been much tampered with, excepting two instances, both previously mentioned. The employee, however so inclined, may not accept a proffered position at a wage below the legal minimum. Also, (in 30 states) he cannot accept employment in a "union shop" unless he agrees to join the union.

5) **Once accepted, the employee has the right to expect payment when the agreed upon work is completed.** Certainly. In fact, this principle, far from being reduced, has been considerably expanded. With vacations, sick leave, personal leave, parental leave, holidays, severance pay and the like, today's employee has established the right to expect considerable payment for work not completed.

6) **Once accepted, the employer has the right to expect the agreed upon work to be completed in return for the wages offered.** As a corollary to principle five, this right of the employer has necessarily shrunk as the employee's right has bloated.

7) **If the employee desires a change in the agreed upon wages, and/or the working conditions, he has the right to request a change of the employer.** This is still true, though such desires are less frequently expressed as "requests" nowadays than as

"demands." Also, the supplication is made not only to the employer, but to the ultimate ruler of our land, the courts.

8) **The employer has the right to approve or deny such changes requested by the employee.** This must be modernized to say that the employer has the right to approve, "or otherwise respond," to such changes requested by the employee. As in other endeavors, the final say rests with the court, from which authority no one retains the right to dissent.

9) **The employee, if dissatisfied over denial of his requests for changes in the working arrangements, has the right to terminate his employment.** Again, this is an employee right, and as such has not been diluted, nor should it be. Through the strike, however, the employee has attempted to expand this

right to include "temporary termination," that is, to leave employment, only to return again when the working spirit moves. Incredibly, this idea has found support in the halls of government.

10) **The employer has the right to replace any employee who might choose to terminate his employment.** Well, certainly the striking employee does not concede this right to the employer. That's how the uncomplicated term "scab" came about. The government, most frequently through its courts, may allow the employer to hire new workers, but retains its right to force him to rehire the old ones as well, with back pay and benefits, of course.

The reader should have noticed a common thread running through the application of these principles. The employer's rights tend to shrink; the

employee's rights tend to expand. When this process began, it was beneficial to society as a means of achieving a "balance of power" between labor and management. To be honest, the establishment of that balance occupied the greater part of our history. Unfortunately, we did not stop there.

In the last several decades, the rights of the employer have been hacked away to such an extent as to raise a legitimate question as to the validity of principle one; "An individual has the right to engage in lawful business."

An alarmingly high number of former employers have decided that, no, they do not. As a society, we still pay dutiful lip service to the tenet of "free enterprise," but, more and more, this principle resembles the right of a chicken to exist, with a fox in the henhouse.



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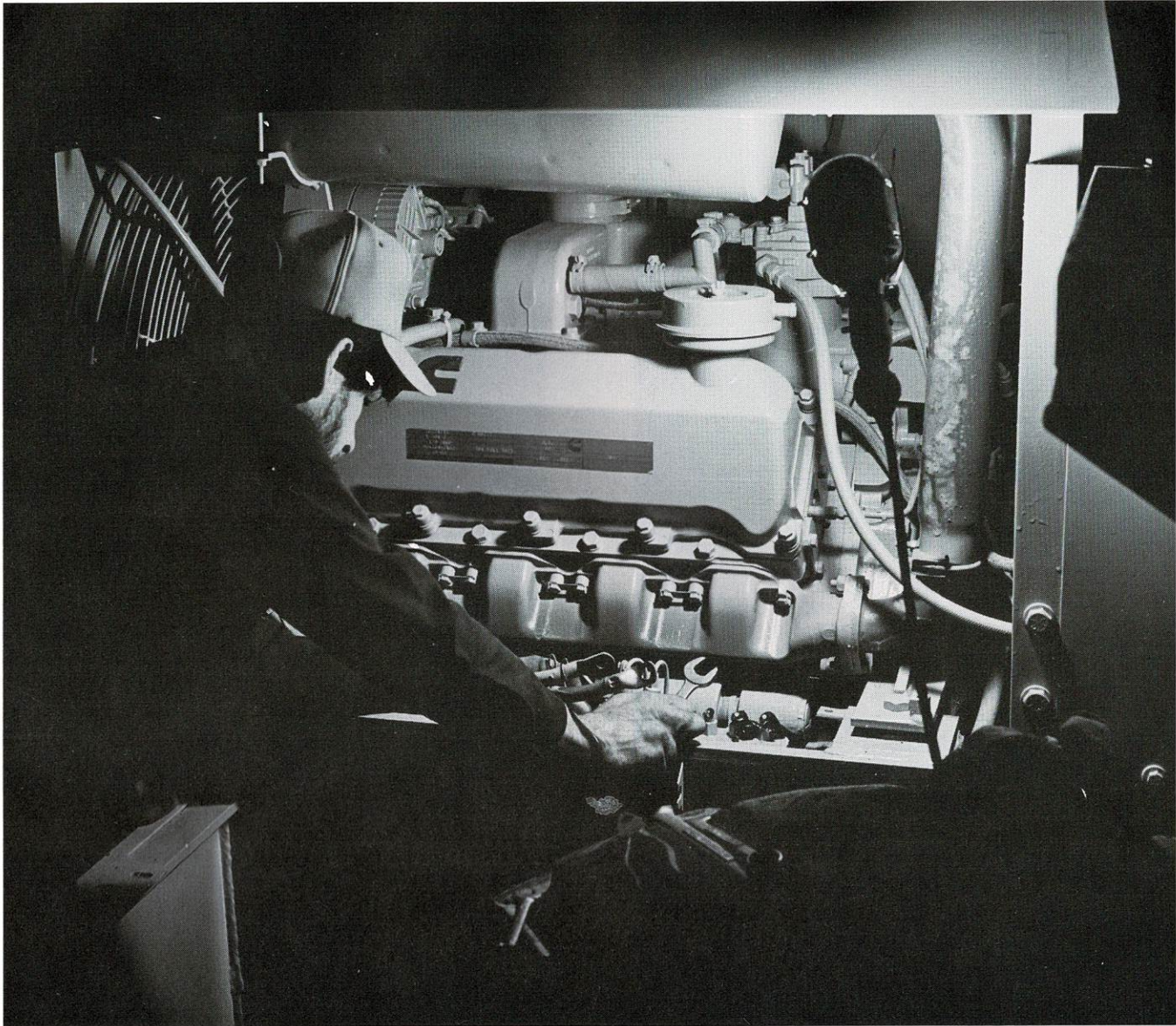
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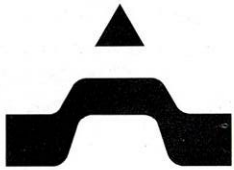
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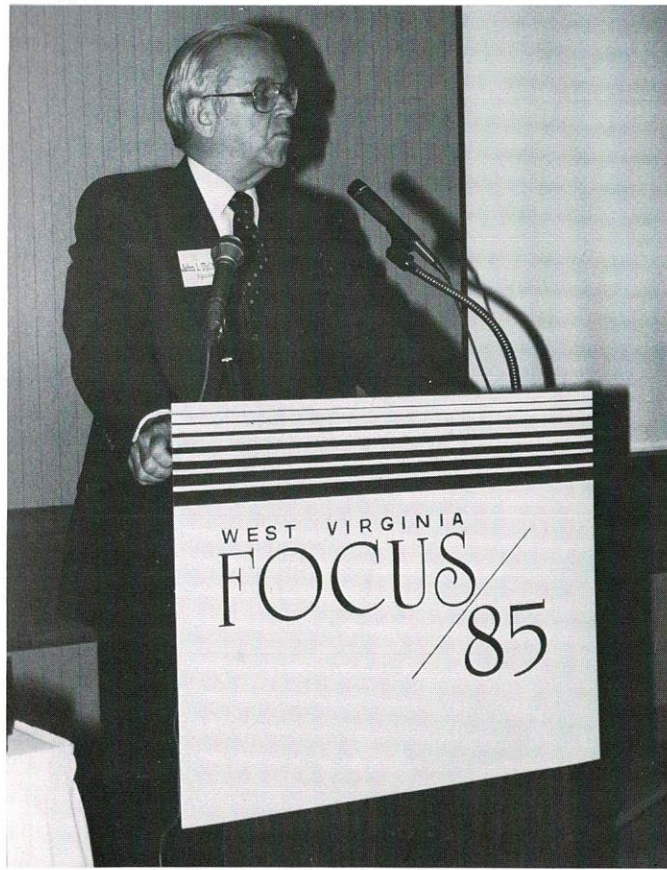
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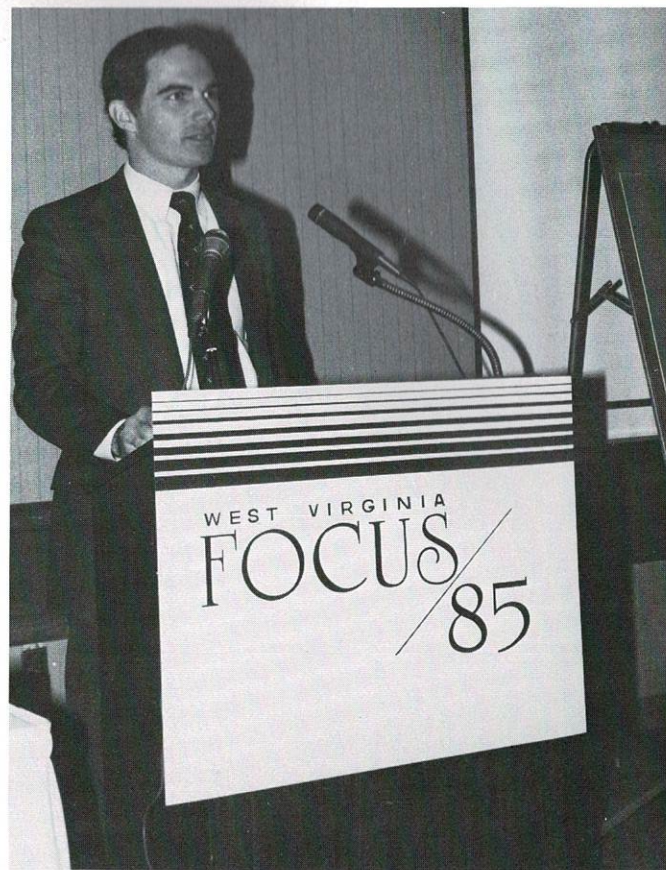
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WEST VIRGINIA FOCUS/85

FOCUS '85, the coal industry's attempt to relay its specific problems to incoming members of the 67th West Virginia Legislature, was termed "a huge success" by the sponsoring organizations, the West Virginia Surface Mining and Reclamation Association and the West Virginia Coal Association.

WVSMRA President Ben Greene said his group was well pleased with the one day seminar. "We had 91 of the 134 members of the Legislature in at-

tendance at one time or another. With interim meetings, hometown duties, and the winter weather, I think that constitutes an excellent turnout.

"More importantly," Greene continued, "we have had a lot of positive feedback on the content of the program. This was our first effort of this sort, and, all things considered, it went very well."

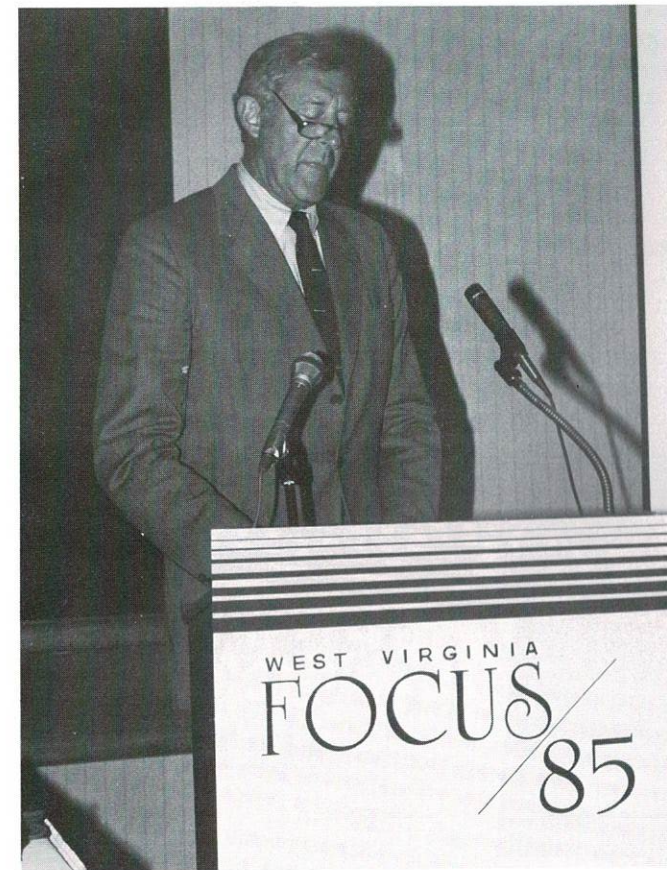
The program began with an evening banquet and keynote address

by Robert Quenon, Fairmont native and CEO of Peabody Holding Co., one of the nation's top producers and West Virginia's newest major coal company.

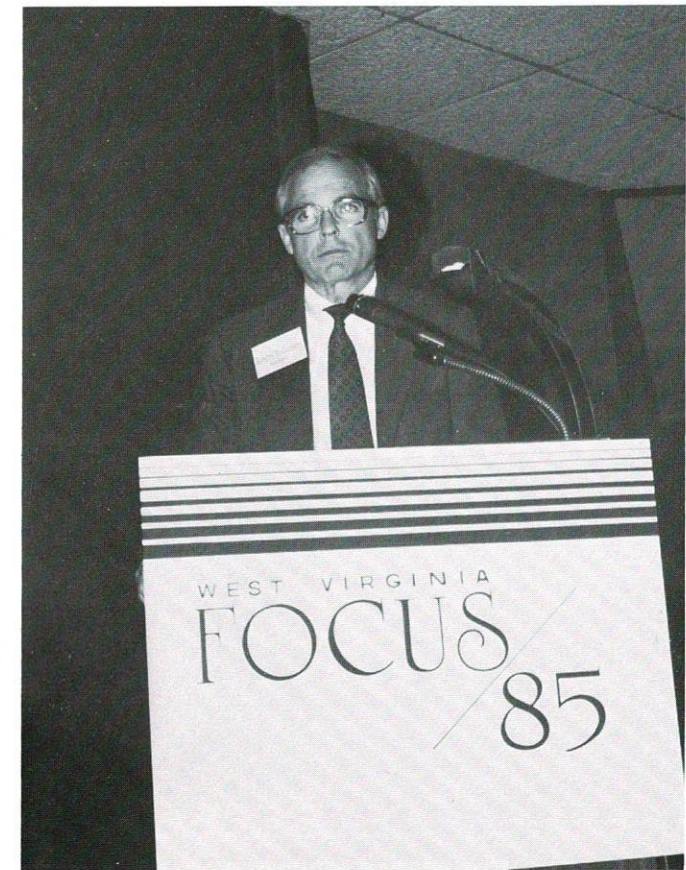
The seminar session was divided by major topics, covering markets, regulations, taxes, workers' and unemployment compensation, and safety.

The thrust of the panel of expert speakers on these topics was to summarize and translate highly technical and complicated subjects into "laymen's terms", describing the current situation and its inherent problems, and suggesting possible legislative remedies.

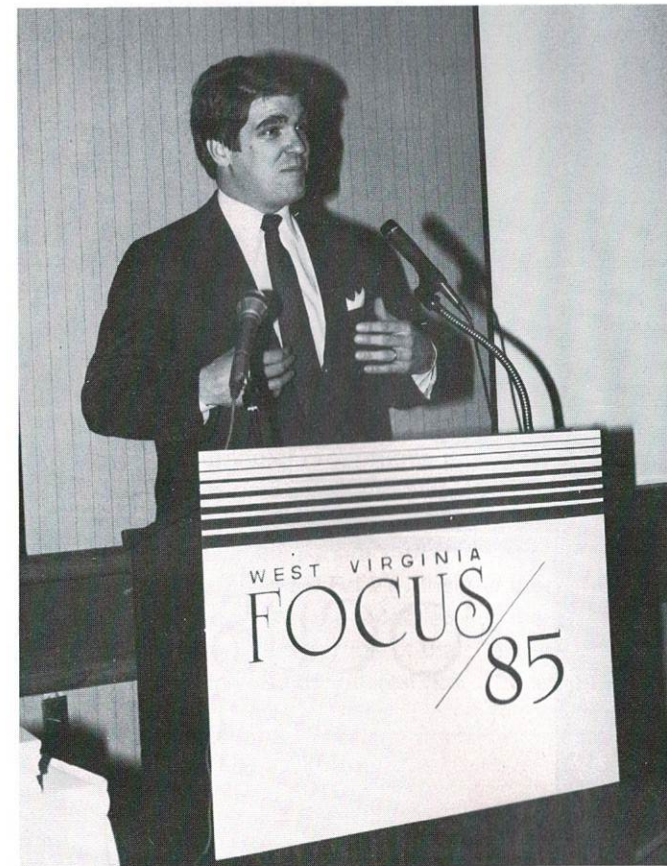
Greene also expressed satisfaction with the speakers' side of the podium. "our speakers, I thought, just did an excellent job. We had good attendance from industry people, and I think a few of them may have learned something too. Certainly, the information will prove helpful to those legislators who are inclined to address the problems facing our industry, and if campaign promises mean anything, that's a clear majority of this 67th Legislature."



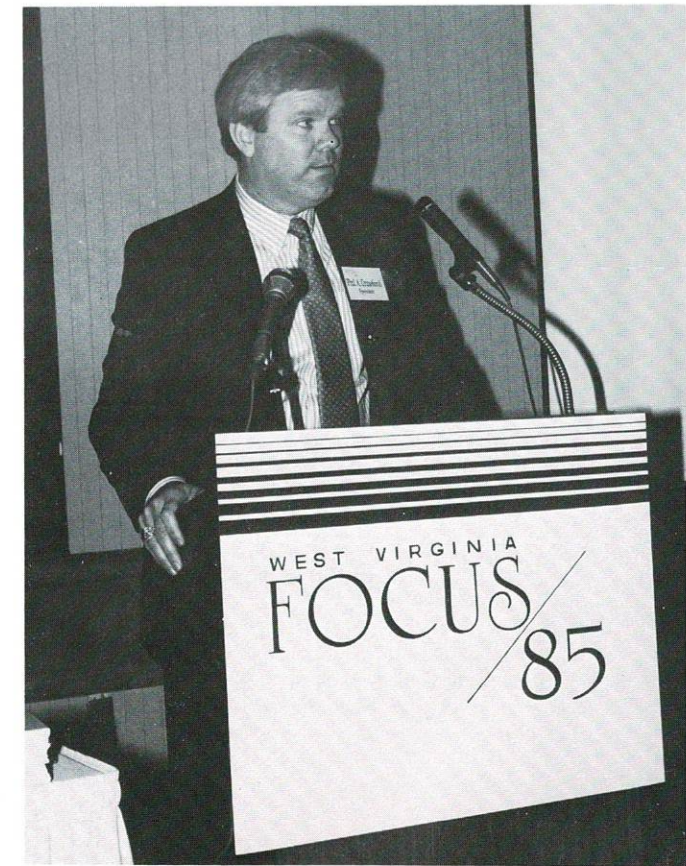
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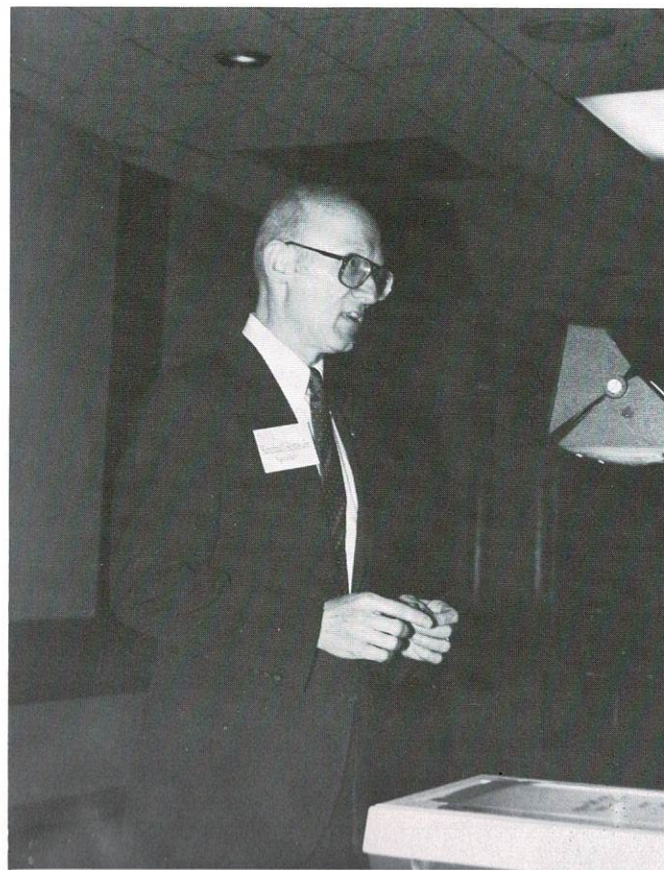
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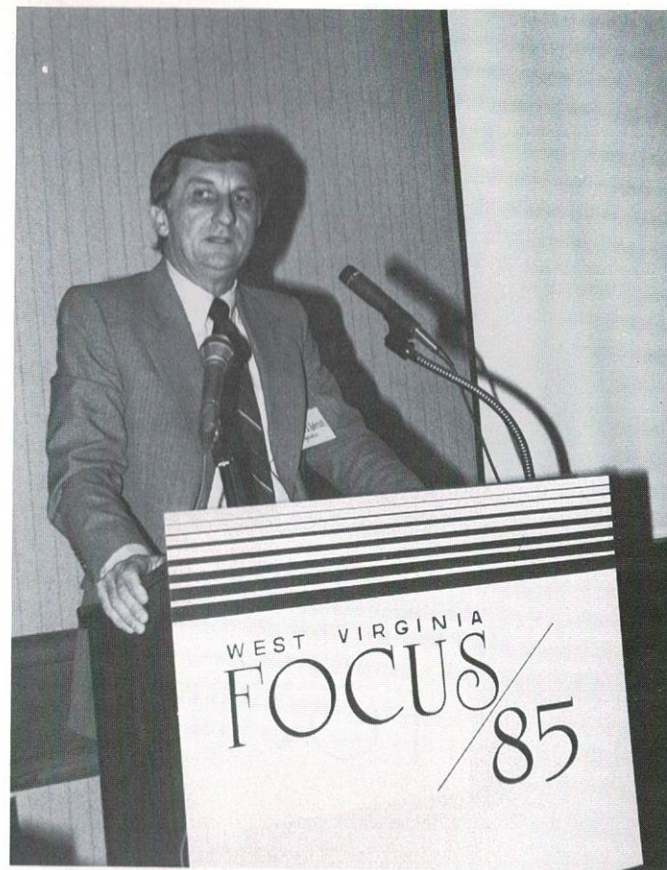
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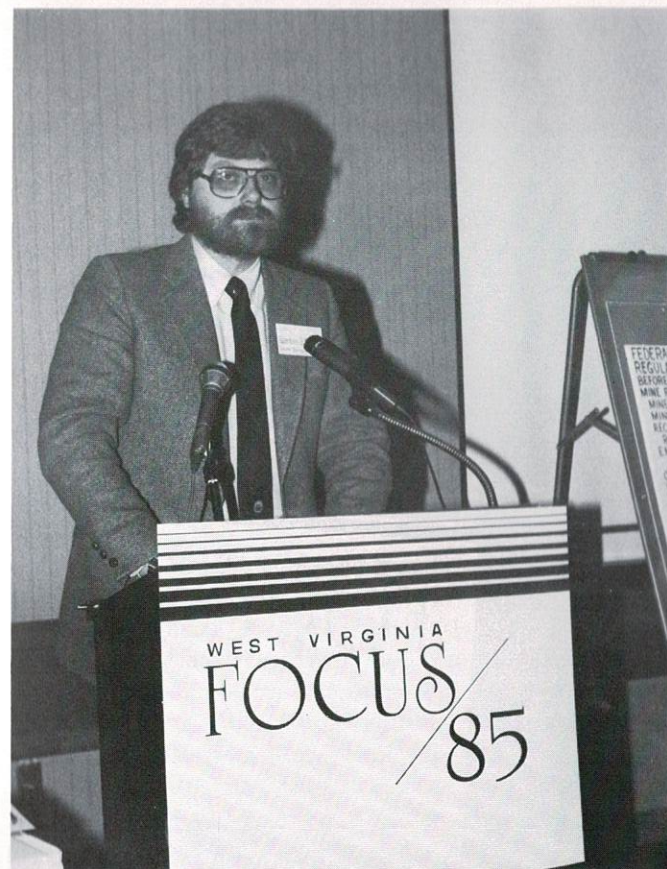
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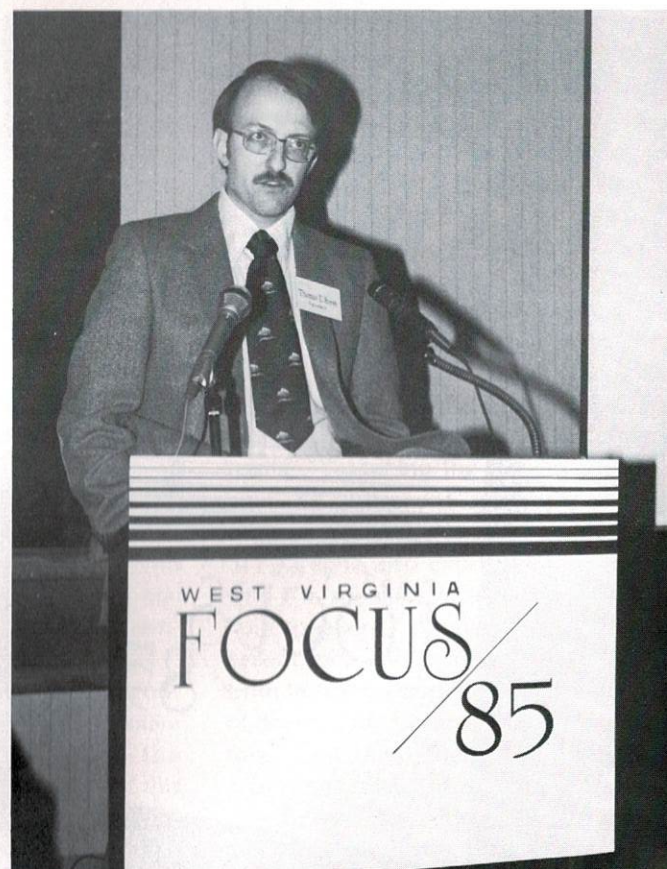
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"Capital Costs and Regulatory Requirements"

Unemployment Compensation in West Virginia: A time for reform

Editor's note: The following are remarks of Herchiel Sims, Jr., president of Employers Service Corp., to FOCUS/85. Mr. Sims' references to charts should be self explanatory within his remarks. Rough copies of the charts are available from the Association.

When Mark first introduced these topics he indicated we were talking about a 500MM dollar problem in Workers Compensation and unemployment. I think John has done an excellent job of reviewing half of that problem in the Workers Compensation field and now I would like to ask you to change gears with me a little bit and look at unemployment compensation.

Unemployment represents a problem of monumental proportions to West Virginia employers and consequently to the West Virginia Legislature in the sense that we do owe the Federal Government 308.2MM dollars for benefits that have been paid in excess of the tax collected. In addition to that a portion of that loan is interest bearing and the interest has

been estimated to amount to 91.7MM dollars between now and September 1989.

The Federal unemployment compensation law prohibits the payments of interest from the unemployment trust fund, so the interest must be provided for outside of the state unemployment compensation tax. Therefore this is a problem to the Legislature in the sense that either a new tax must be generated to provide for the payment of this interest or it must be paid from general tax revenues.

Well, we wonder how did this problem get this bad and how long have we known about it?

This is a review of the contributions paid, the tax paid into the fund, and the benefits paid from the fund the last 14 years. If you will look at the right hand column you'll notice that in only three of those years was there a surplus to the fund. We began generating a deficit to the fund as early as 1972 and had only one positive year after that in 1973 and every year thereafter has been a negative

cash flow position for the Department of Employment Security in the unemployment fund. The problem was recognized in 1981 and legislation was passed at that time and if you'll look at the two green arrows you'll see that the tax collected in 1980 was 83.9MM dollars, the tax collected in 1982 was 172.3MM dollars or an increase of 105%. This was the affect of the 1981 legislation.

The reason 1981 does not fully reflect that is because the legislation went into effect on July 1, so you have to look to 1982 before you get a full year of taxation under the new tax law. Therefore, the Legislature did respond to the problem and created additional taxes which generated a 105% increase and yet we continued in 1982 to produce an 80MM dollar deficit and in 1983, when contributions as a result of the recession dropped to a 146.9MM dollars, we produced a 148.4MM dollar deficit. So for this 14 year period of time we have paid in 948MM dollars, 1,351,000 has been paid out in benefits, leaving a deficit

of 403MM dollars.

If that is the picture looking backwards what is the prospect looking forward? The Department of Employment Security has estimated that for the period 1984 through 1990 tax collections will be 1,230MM dollars under the current law. The pay-out for the same period of time will be 1,107MM, generating a surplus of 123MM dollars. This assumes a moderate economic recovery or growth of 4% per year.

Now what's interesting to note if you'll look again at the two green arrows is that the surplus over a period of time projected on the chart peaks in 1986 at 29MM dollars. And begins thereafter to fall and by 1990 the surplus to the fund is only 8MM dollars a year. Carrying this chart two or three years further, you can project easily that the West Virginia Unemployment program will not be able to fund itself even under a moderate economic recovery.

The point of this presentation is that we can do away with a 300MM dollar deficit and the West Virginia Unemployment Compensation program is still out of control. It still doesn't have the capacity to fund itself in the long term. The blue figures are those presented by the Department of Employment Security to the study commission, the green and red figures across the top are actual 1984, which are now available and which were not available to the department at the time. So, rather than a 6MM dollar surplus in 1984, we in fact, had a 1.2MM dollar

deficit in 1984 under the current law without regard to the 300MM dollar deficit. Again this program is incapable of financing itself under the current legislative requirements.

How does our indebtedness relate to other states. Are we really in trouble? Or is everybody in trouble? West Virginia ranks 4th in the nation. Our indebtedness is equal to 571.00 dollars for every employee in the state of West Virginia. This is exceeded by only three states: Michigan, Pennsylvania and Illinois. Our neighboring state of Ohio is in debt to the tune of 537.00 dollars per employee, Kentucky was in debt but as of the end of the year has repaid their debt, so now three of our neighboring states, Maryland, Kentucky and Virginia are no longer in debt.

I submit that that indicates a pretty severe problem in West Virginia and one not shared by states throughout the nation. In fact there were in March of this year, twenty-five states in a debit position with the Federal government and in all but eight of those states the indebtedness was less than 50% per employee of the indebtedness in West Virginia. So, we are clearly in a group by ourselves in that regard.

What has caused this program to be out of balance? Well, in part it is our benefit rate. Again, West Virginia ranks fifth in the nation so far as the benefit rate is concerned. It ranks number 1 in the nation so far as benefits if you consider benefits to a single individual. West Virginia makes no distinction between

single and married individuals. We pay the same benefit to everybody. The first four states, the only states that exceed us so far as the benefit rates are concerned, exceed us only in the event that their benefits are augmented by dependency benefits. The single individual in Massachusetts would get 185.00 dollars a week maximum, in West Virginia he gets 225.00. Single individuals in Ohio would get 147.00 a week, and in West Virginia he gets 225.00. So, where as the Ohio maximum is 3.6% above West Virginia in some instances, it is also 34.7% below West Virginia in many instances. Another neighboring state, Pennsylvania, also augments for dependents, so therefore there are two numbers shown there so the range is 6.7% below to 9.8% below.

Much has been said to you last night and today in programs about the need for W.Va. to remain competitive. It is very difficult for the West Virginia coal industry to remain competitive with Kentucky if Kentucky's unemployment comp program is only required to fund a maximum benefit of \$140 per week and West Virginia's program is required to fund a benefit of \$225. Kentucky is 37.8% below us so far as their maximum benefit rate is concerned.

How do we fare as far as taxes are concerned? Again West Virginia ranks #4 in the nation on a tax per employee basis. This is the federal and state unemployment compensation tax combined. Our tax is \$442 per employee, we are

competing in a market place with Kentucky at \$373 or 15.6% below us. Pennsylvania is 16.1% below ours; in Ohio, 20.8% below; and in Virginia, 52.5% below West Virginia. Again, it is very difficult for the coal industry to compete in a market place where one state is enjoying an unemployment comp tax on a per employee basis that's less than 50% of the tax paid here.

What are the solutions? Well, the easiest solution for all of us, because we don't have to deal with it, is simply to improve the economy. If the economy improves we have more jobs, we have a broader tax base, we have less benefits being paid out and this program could get healthy pretty fast. I don't see that as a broad widespread scenario, that people are willing to embrace. To say that, "1985 is our year, don't worry about it folks this problem is going to take care of itself." Therefore, I think that some action is necessary on the part of the Legislature. The other two aspects of the solution are to increase taxes, an unpopular thing to say among the employer community and the other is to reduce the pay-out.

Let me suggest to you the first part of that program increasing taxing has already been taken care of. From the period 1980 to 1984, the average state unemployment comp tax, as a result of the 1981 legislation, increased 125%, from \$149.40 per employee to \$336 per employee. A significant increase, very recently, over a very short period of time. In conjunction with that the Federal

unemployment comp tax has increased \$42 per employee in 1981 to \$105 per employee in 1984 or an increase of 150%. There is also in place, already, active, working, a provision that says by 1989 the federal unemployment comp tax will continue to escalate to the point it will reach \$196 per employee. This represents a 367% increase over an 8-year period or a 46% per year average increase in the federal tax. If you think that part of the solution is to increase taxes, let me assure you that that is well taken care of.

If we cannot raise taxes any further, and at the same time maintain a competitive position in the market place, then what is our alternative? The alternative has to be to reduce the cash payment benefits going out of the fund. How do you do that? Two approaches: One would be temporary and the other permanent in nature. We actually need a combination of both. A temporary provision would be to freeze benefits at our current \$225 per week for a period of time. That is not a suggestion that we roll back benefits. It is not a suggestion that we leave our posture of being #4 in the nation, or #5 in the nation or #1 in the nation as far as the benefit level is concerned. But at least deactivate that automatic escalator provision that causes the benefit rate to go up every year regardless of what the solvency position of the fund is. Freeze the benefits for a given period of time. So far as permanent actions are concerned consider several ac-

tions that we need to take. First we need to think in terms of basing our maximum benefit rate on 66 2/3% of the average weekly wage in W.Va. rather than 70% of the average weekly wage.

West Virginia is the only state that exceeds the 66 2/3%. Other states who base their benefits on a percentage of the average weekly wage range from 47% to 66 2/3% and only 9 states are at the 66 2/3% level. So when I suggest that one of the solutions is to roll back the maximum benefit rate from 70% to 66 2/3% I'm still leaving West Virginia at the top of the heap nationally.

We can solve this problem without substantially impairing the benefits to our people and yet at the same time if we do not solve this problem we will not have jobs for our people. It is that clear and its that competitive market place position that we must address.

A second change that must occur deals with a duration of 26 weeks. West Virginia pays benefits for 28 weeks. There are only two states, Massachusetts and Washington, who pay benefits in excess of 26 weeks other than West Virginia. Massachusetts pays benefits for a 30-week duration. We could roll back to 26 weeks and we would, with the exception of Massachusetts and Washington, have a duration exactly the same as that of any state in the country. But more important than that, many states do not allow the full 26 weeks duration. You qualify for the full duration only with certain wage requirements. West Virginia allows the

26-week duration for every unemployment comp claimant. I am not suggesting that we change that, but in Kentucky some employees will draw benefits for only 15 weeks, in Ohio some employees will draw benefits for only 20 weeks, in Pennsylvania some employees will draw benefits for only 16 weeks, and in Virginia some employees will draw benefits for only 12 weeks.

I am suggesting a very moderate roll-back from 28 to 26, which still, with the exception of Massachusetts and Washington, leaves West Virginia at the head of the pack with regard to duration.

A third change deals with wage replacement. West Virginia currently bases benefits on a 55% wage replacement. Take the earnings of an individual in a given period of time, calculate 55% of that, then, subject to the maximum benefit, pay the person 55% of the earnings from their earning period. Again, West Virginia is out in front with 55% wage replacement. Most states base benefits on 50%.

Fourth, increase eligibility. I'd like to return to that in a minute.

Fifth, vacation pay and separation pay. Unemployment comp is for the purpose of paying benefits or providing a bridge of benefits to an individual who becomes unemployed through no fault of his own, until he can regain entry into the labor market. An individual who is receiving vacation pay or separation pay is still receiving income. He has not lost income yet. And until such time that he

begins losing that income he shouldn't have to step out on this bridge of unemployment comp to provide benefits to another period of employment. Individuals have been separated throughout the last recession, and in some cases have received significant separation wage plan benefits.

Some people have received full wages for one year. Does that impact their right to unemployment comp benefits? No. They receive full salary for a year, and they drew 100% of unemployment comp benefit entitlement at the same time. I submit that this is not in line with the traditional purpose or the historic concept of unemployment comp, and certainly is not something that we should be doing at a time we are \$300MM in debt to the federal government.

Let me return now to the question of increased eligibility. As I indicated, unemployment comp is for the purpose of providing a bridge from one period of employment to another. If you will look at these various calendars that I would like to show you in the next few overheads, and view the periods that are colored in blue are periods of employment. Periods in green as periods of unemployment.

It is the purpose of the unemployment system to provide a bridge after the individual has demonstrated a substantial attachment to the labor market from one period of employment to another period of employment. How does that correspond what's actually oc-

curing in West Virginia? Today, in West Virginia we will take an individual who is earning wages at the minimum wage of \$3.35 per hour and, after 43 days of employment, we will qualify that individual for 28 weeks of benefits. I submit that this person has not demonstrated a significant attachment to the labor market, therefore, has not created or gained the right to unemployment comp benefits. The program was never intended to respond to this type of unemployment. The problem is compounded when you deal with other wage levels. You can take an individual who is earning wages at the rate of \$15.00 per hour, and that person must work in West Virginia for 10 days, and then we will provide 28 weeks of unemployment comp benefits. Again, I submit that our threshold of entitlement is simply too low. It has no relationship whatsoever to the historic purpose of what unemployment compensation is all about. Some people have suggested that the solution to this problem is to eliminate the first 17 wage categories that are listed in the law. With regard to minimum wage individuals, this would solve the problem. It would make a significant impact.

Now the individual must be employed 125 days or roughly 50% of the time before he would be entitled to the 28 weeks of benefits. Unfortunately, however, that solution does not address the problem of the higher paid worker. In the case of the individual earning at the rate of \$15.00 per hour, we have simply increased his requirement from 10 days to

28 days.

The portion circled in red is the additional employment that would be required if we eliminated the first 17 wage categories. If we solve the problem, or attempt to solve the problem, by eliminating the first 17 wage categories, we have done nothing more than eliminate from the system, the lower paid individual and done nothing to effect the entitlement of the higher paid. Under this approach we are really trying to solve the problem by reducing benefits to the lower paid worker and continuing to pay benefits to the higher paid worker.

QUESTION: Does that individual that you are showing now draw at the maximum--No Sir, he draws at the minimum rate, which would be \$37 if we eliminated the first 17 wage classes. The wages that he earned in that 28 day period would be assumed to be a one year period. You will then apply that to a 52 week period. Say his average weekly earnings were \$64.62. His benefit rate is 55% of that or \$37 when applied to the table. But the point is that he never belonged in the system in the first place.

It is very difficult to compare. We have been asked to do studies from time to time on the relative costs, relative benefits and so forth, from state to state. Frankly this comparison is difficult because of variations in the various formulas. Some states take high quarters and base the benefits on the high quarters without regard to the other periods of time. Some states use a specific period, shorter than

the base period which is a 12 calendar month period.

If elimination of the first 17 wage categories is not an equitable manner in which to deal with the eligibility issue, what should the approach be? One approach that would treat all workers exactly the same would be to base eligibility on two times high quarter earnings. If an individual earned \$1,000 in one quarter, then he would need an additional \$1,000 in the other three quarters of the base period in order to qualify for benefits. Correspondingly, if he earned \$4,000 in a single quarter, then he would need \$4,000 in the other three quarters in order to qualify for benefits. When applied to the minimum wage employee, we can look at an example that would require that individual to work 130 days, five days longer than the elimination of the first 17 wage categories, in order to qualify for benefits. When you review the impact of a two times high quarter formula on the \$15 an hour individual, that person must also work exactly 130 days to qualify for benefits. In this case, you have added 102 days to the qualifying requirement of that individual.

In summary, all of us must recognize that West Virginia has to sell its resources, goods, and services in a competitive regional, national and even global marketplace. This being true, we must eliminate or minimize those areas which cause West Virginia to be noncompetitive. Our unemployment compensation program is certainly one area in

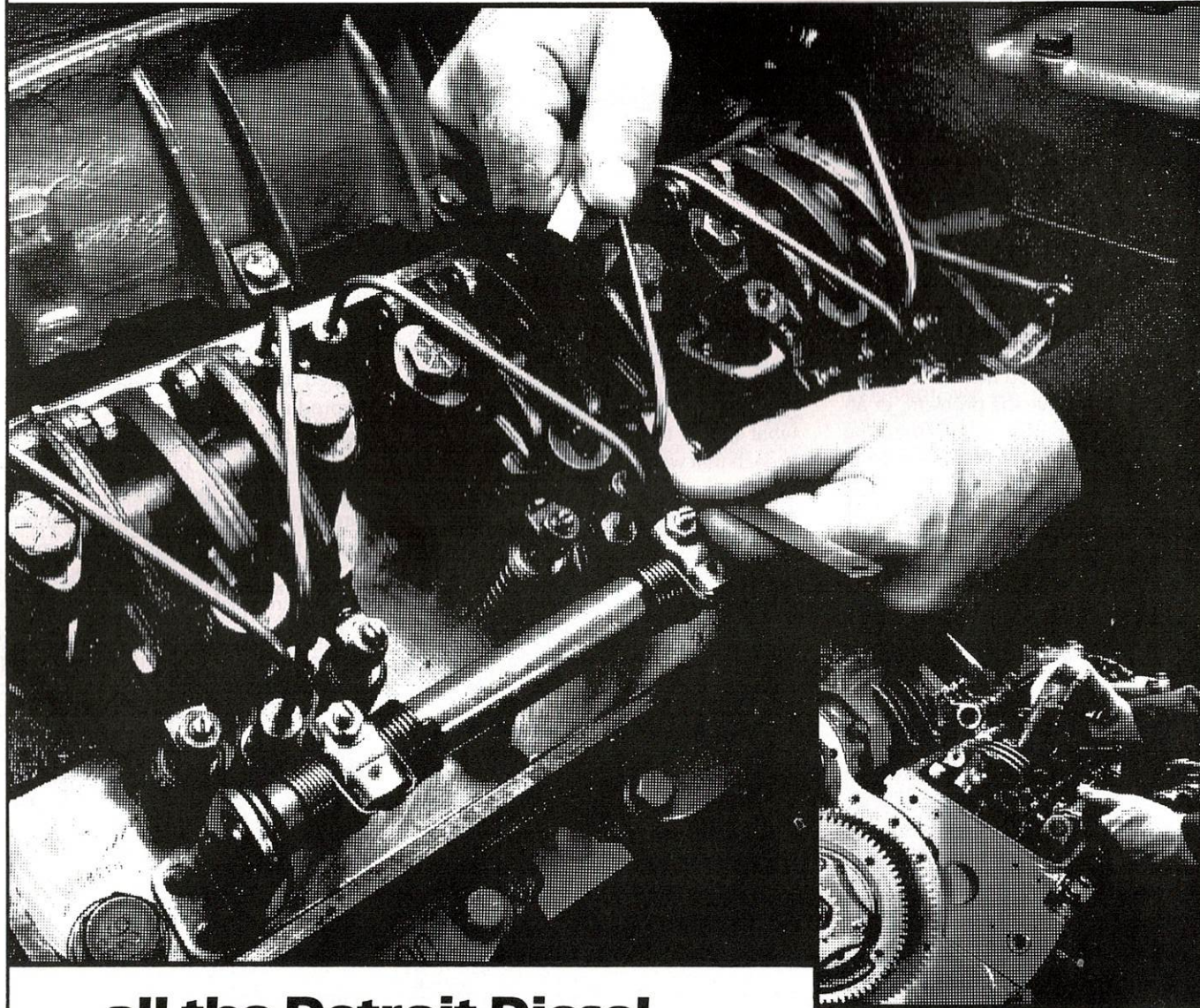
which we are out of step with our surrounding states.

I also believe that I have demonstrated that further tax increase are counterproductive. We have already increased the state tax by 125%, the federal tax has gone up 150%, and will go up 367% under the current federal law already in place. We simply cannot increase taxes further and hope to maintain any sort of competitive position in the markets in which we must operate.

Some may ask, if you are not going to allow taxes to rise, what is the quid pro quo? I would suggest the quid pro quo is jobs. Either we meet this problem head on, create an economic climate in West Virginia that will allow our economy to grow, and provide jobs for our people, or we will face a continuation of that designation we have had for so long, of having a higher percentage of our workers unemployed than any other state in the nation.

Unemployment compensation reform is absolutely essential. All West Virginians need your help. As the United Way slogan said some years ago, "If you don't do it, it won't get done." When I say that, I am referring both to coal operators and legislators here today. Coal operators need to communicate their concerns about these problems to legislators, and legislators then need to act responsibly in correcting a problem that is causing West Virginia to be unable to operate effectively in a competitive marketplace. Thank you.

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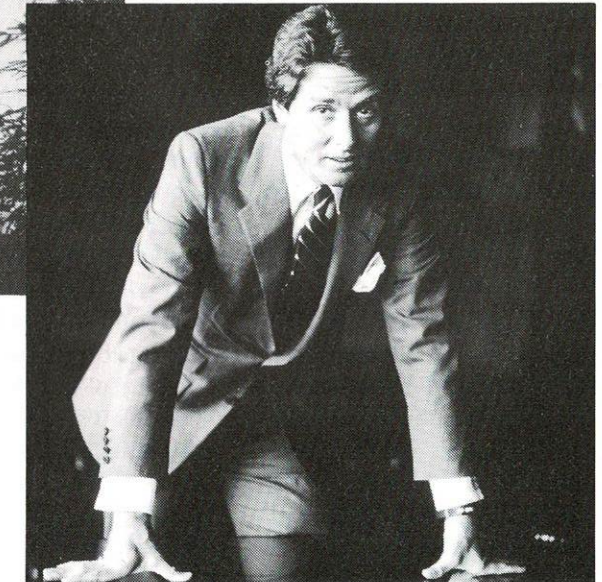
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Acid Rain – The Real Story

by Dr. John McKetta,
University of Texas

1. INTRODUCTION

"Acid Rain" is one of the most abused, overused, misunderstood and dramatized terms since "Three Mile Island."

Many, many people are concerned about acid rain because they have been told that it is destroying the environment, killing fish, ruining lakes, deteriorating forests and crops, and is harmful to mankind. With increased coverage by members of the news media who lack the knowledge to deal with this complex topic objectively, the public concern is nationwide and not restricted to the northeast.

As a matter of fact, very little is known about acid rain. We do not know how it is formed, where it comes from, where it goes, what it does, or what harm it can do, if any. This is precisely why we must expand and intensify research into these and many other questions. The acidic contents of rain and lakes must be studied carefully under scientifically controlled conditions. This is being done by a U.S. government group called the National Acid Precipitation Assessment Program.

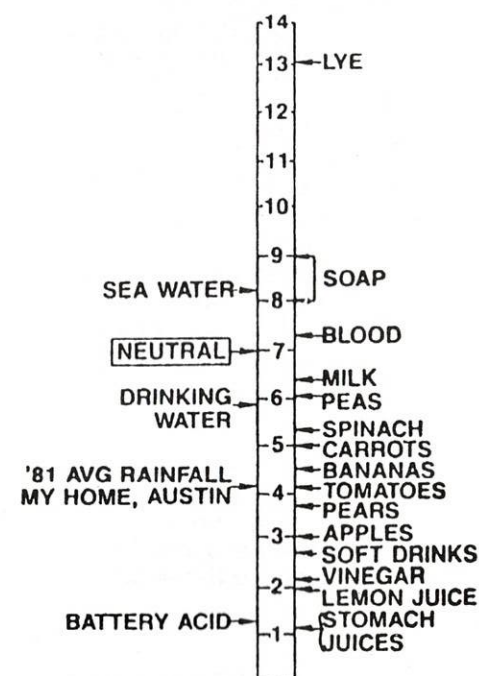
What is acid rain?

The term "acid rain" itself is misleading. All rainfall is acidic. The air contains 0.03% carbon dioxide (which forms carbonic acid). Over 99% of the carbon dioxide comes from nature. Therefore, natural acidity is present in all kinds of precipitation, whether it be in the dry form such as dust, or in the wet form, such as snow, rain, fog, and dew.

You can see from Figure 1 that acidity is measured on a pH scale from 1 to 14 (pH is a measure of the concentration of the hydrogen ions). This pH scale is used by chemists to measure the acidity of solutions. Any substance with a pH value below 7 is acidic. The **lower** the pH the **more** acidic is the substance. A substance with a pH value above 7 is called alkaline (or basic). Applying this scale to substances with which you are familiar, you can see that peas have a pH of about 6. (Incidentally, drinking water has approximately the same pH.) Carrots have a pH of 5. The numbers from 1 to 14 are all logarithmic. This means that 5 is ten times more acid rain than 6, and that 4 is ten times more acid than 5, or 100 times more acid than 6. For example, pears with a pH of 4, are ten times more acidic than carrots with a pH of 5, but pears are 100 times more acid than

peas with a pH of 6. It's interesting to note that the stomach juices' acidity is almost the same as the acid in your

Figure 1. pH Scale



John J. McKetta
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automobile battery. At the other extreme, note that soap is alkaline with a pH of 8 or more, while lye (sodium hydroxide) is extremely alkaline with a pH of 13. It's important to know that sea water has an alkaline pH of over 8. This makes it possible for the sea water to absorb carbon dioxide, sulfur dioxide, and other such gases from the air. In fact the oceans are just like huge pumps, absorbing and expelling gases, depending upon equilibrium conditions.

Because most of the carbon dioxide and oxides of nitrogen (which form nitric acid) come from nature, the natural rainfall that would result if we had no man-made pollution would be lower than 5.6. In fact, it seems reasonable that the natural pH of rain should be set at a value between 4.7 to 5.0.

When was acid rain first recognized?

We don't know when acid rain was first recognized but the first mention in recorded history was in 1848 by a Swedish scientist. Then in 1852, a French scientist measured the quantities of "nitric acid and nitrogen compounds" in the rain in Paris. In 1872, the acidic nature of rain was documented in a book covering the chemistry of English rain.

A great concern was raised in the late 1960's when Swedish scientists claimed that the cause of the acid lakes and acid rain was the sulfur dioxide emissions from industrial sources of Great Britain.

In the U.S.A. the controversy arose back in 1974, when a Cornell University researcher released reports (using data collected in the 60's and before for other purposes) concluding that rain acidity was increasing in the northeast and spreading in all directions. Since then others have speculated that acid rain is a post-World

War II phenomenon caused by the increased use of fossil fuels for generating electricity, as well as the increased use of automobiles.

Is acid rain harmful?

The effect of acid rain on the environment is not clear. There are many claims that acid rain may harm the lakes, decrease fish population, reduce forest growth, decrease crop productivity, decrease soil fertility, corrode buildings, and cause other detrimental effects. Yet scientific evidence does not substantiate these claims except in laboratory-size experiments. In fact, in some instances, crop yields have **increased** by using acid rain in laboratory experiments. Corn and tomatoes, for example, benefit greatly because of the fertilizing value of the extra nitrogen and sulfur in the rain.

Is acid rain increasing?

So far, the evidence indicates that acid rain is not increasing in severity. But the news media report differently. The acidity of rain must be measured for a long time, in fact, years, at the same location before reporting some meteorological average. That's because the average acidity of the rain during one single rainfall measured at the same time, at points only several hundred feet apart, may vary, plus or minus 200 to 400 %. Therefore, to establish an accurate trend one must collect data over a 5-10 year period. When this has been done there has been no evidence that the rain is becoming more acid.

Some claims that coal-burning utilities in the midwest are the primary causes of acid rain in the northeast. However, they overlook the fact that a large percentage of domestic heating in the northeast comes from the use of fuel oil rather than coal. Many fuel oils contain as high as 2 to 3 percent sulfur.

Where does acid rain fall?

Acid rain falls everywhere. Natural rainfall is acidic. Natural rainfall has a pH averaging about 5. In the northeast, readings in the 4.0 to 4.5 range are not uncommon. Rainfall over most of the western states is closer to 5. But in some areas, such as San Francisco, Seattle, Denver, and Los Angeles, the rainfall has been measured at 4 pH. Acid rain pH of 4 has been measured at such remote spots as Samoa in the South Pacific, the tropical jungles of South America, the arctic coast of Alaska, as well as Hawaii and the islands in the mid India Ocean.

The three areas of the world where acid rain appears to be of the greatest current concern are: Southeastern Canada, the Northeastern United States, and Scandinavia.

Isn't the composition of rain simple?

No, the raindrop is a highly complex substance. First of all, droplets cannot form until there are solid particles on which the vapor can condense. The nuclei for raindrops are infinitesimal airborne particles of dust blown from the earth's surface, and salts from the sea and ocean spray. The dust particles, in particular, often contain acid-neutralizing substances such as calcium and magnesium.

Some scientists theorize that in addition to coal burning, other forms of combustion also contribute significantly to acid rain. They believe that the acid rain precursors are also associated with petroleum fuels. Occurrences of acid rain in California, Florida and Japan, where the major fuel is petroleum rather than coal, are cited as evidence that local sources of emissions from petroleum consumption, rather than distant sources from coal consumption, may cause acid rain.

There is some scientific evidence

that increased acidity in rainwater may be the result of a decrease in the concentration of alkaline particles in the atmosphere rather than an increase in acidity. The Clean Air Act required the removal of many particles from the air. Many of these were alkaline particles. So now we have an ironic situation. The attempt to remove the particulates may have caused an increased acidity in the rain. There is also a great deal of scientific evidence that rain's acidity may be increased by the use of catalytic mufflers on automobiles. The minute particles of material that pass the catalyst are more reactive to form acids.

II. ACIDITY FROM NATURAL SOURCES

It is now clear that natural factors, such as organic acids, naturally emitted sulfur and nitrogen compounds also affect rain's normal acidity. More recent studies in remote parts of the world on natural sources of atmospheric acidity, suggest the unpolluted pH of rain is closer to 5.0 rather than 5.6 (5.6 pH is the acidity of rain saturated with natural carbonic acid. If the natural nitric acids are included the natural pH drops to 4.8. The addition of natural SO₂ brings the rain natural acidity down to 4.4-4.6.)

Approximately 65% of the sulfur dioxide, 99% of the carbon dioxide and more than 99% of the total oxides of nitrogen come from nature. All of these components make acid rain (sulfuric acid, carbonic acid, and nitric acid). It's possible that nature's contribution of these components in specific localities may not be as high as indicated but may be lower than 25 or 30%.

Since the ratio of sulfates to nitrates is 2 to 1 in precipitation over Eastern North America, sulfur gases have been labeled as the major contributor to rain acidity. The ratio is reversed in the west. Moreover in many instances the acidity of rain samples does not differ

greatly between Eastern and Western United States.

In my own back yard in Austin, Texas, I measured the pH of rain throughout 1981 at an average of 4.3. The normal direction of the wind during all sampling was from the northwest. There is no coal burning plant within 1,000 miles northwest of my house. Also, the California Air Resources Board announced on March 4, 1981, that "rain more acid than vinegar is falling on California and may poison the lakes," CARB Chairwoman, Mary Nichols, added "We've learned that the Sierra Lakes are especially vulnerable to acid because of the chemistry surrounding them." There are no coal burning electric generating plants upwind of this area.

Lightning's contribution to the acidity of rain is significant. Two strokes of lightning over 4/10ths of a square mile (one square kilometer) will produce enough nitric acid to make 8/10ths of an inch of rain with a pH of 3.5. One scientist calculated that lightning creates enough nitric acid so that annual rainfall over the world's land surfaces would average pH 5.0 without even accounting for contributions from other natural sources of acidity.

In the forest areas of Brazil at the headlands of the Amazon River, an area remote from civilization, the monthly average pH of 100 rain events in the 1960s ranged from 4.3 to 5.0. One set of pH readings was as low as 3.6.

The rainfall from two hurricanes in September, 1979 sampled at six stations from Virginia to up-state New York averaged 4.5 pH, with one set of readings as low as 3.6 pH. This weather came directly from the Atlantic Ocean and was quite unlikely to have been affected by emissions from industrial activity. On the South Seas island of Pago Pago some readings of pH as low as 4.3 were observed. In the heavy thunder storm activity at the start

of the monsoon season in the remote northern territory of Australia, the rain averaged between 3.4 and 4.0 pH.

Recent ice pack analyses in the Antarctica and the Himalayas indicate that precipitation deposited hundreds and thousands of years ago in those pristine environments has not varied much from a value of 4.4 to 4.8. In fact, measurements have been made as low as 4.2 in these areas. This compares with the "average" pH of rain in Eastern United States, as well as in Scandinavia, of between 4.0 and 4.5.

Greenland ice pack analyses showed that many times in the last 7,000 years the acidity of the rain was as low as 4.4 pH. In some cases the periods of extremely high acidity lasted for a year or more.

Is rainfall increasing in acidity?

The United States Geological Survey collected rainfall samples in various locations in and near New York State during the period, March, 1965 to September, 1979. These data were collected at 22 locations. However, only 9 stations operated more or less continuously through that period. These data indicated that the long term mean level of the acidity was essentially constant.

The existing data and studies show that there has been no significant change in acidity in Northeast U.S. precipitation since 1960. In fact, the data show that the sulfate concentrations have decreased and the nitrate concentrations have increased. The U.S. G.S. has concluded that acidification of surface waters in the Northeast has "probably occurred long before the 1960s". They have also stated that the acidity of precipitation has been stable since the mid-fifties.

Does the soil contribute to lake acidity?

Dr. Edward C. Krug, soil scientist with Connecticut Agricultural Experiment Station, states that the soils of New York State are **naturally** among the most acidic in the world. He reports that the pH of a representative Adirondacks soil was 3.4 (very highly acid). Soils of Southeastern Canada and Northern New England have similar soil acid concentration. Dr. Krug contends that surface waters of this region become acidic through contact with the natural acid soil more than through manmade atmospheric pollutants.

Soil scientists in the U.S. classify the acid soils of the kind from upper Michigan, Wisconsin, Minnesota, Southeastern Canada, and Northeastern U.S. as Spodosols. These are absent from the Plains states but reappear in the Pacific Northwest, British Columbia, and Alaska. Spodosols are only 10,000 to 50,000 years old.

The grandfather of the acid soils are the utisols whose age extends from 50,000 to million of years of age. These are found in Eastern and Southeastern U.S., Asia and Amazon basin. The pH of this soil range from 2 to 3 pH. The soil in these areas must be heavily limed to grow anything other than ferns.

All other soils of humid regions fall between these extremes which means that most soils the world over have been highly acid for ages and ages.

Sediment deposited 800 years ago in Scandinavian lakes has acidity levels much higher than today's sediments.

The possible connection of acid rain with acidic volcanic eruptions has been investigated by five scientists who used carbon dating to trace the eruptions of the "acidic" volcano El Chicon, Mexico. They established a correlation with the historic record of acidity in the Greenland ice sheet. The two peak together at about 1300 A.D. and also in 623 A.D.

III. MAN-MADE SOURCES

It is well known that man puts many substances into the atmosphere. Many of these are acid forming. However, since 1960, emissions have declined. For example, there has been a decline of over 40% of sulfur dioxide emissions since 1960. At the same time the use of coal has increased by 85%. There has been a similar decrease in manmade oxides of nitrogen.

There is belief in some quarters that man-made emissions in other parts of the United States have increased the acidity of precipitation over Northeastern United States. The national program calls for conducting large scale field studies to provide data needed to confirm model assumptions and model characteristics on flow behavior of pollutants. The Northeastern United States uses large amounts of residual fuel for domestic, commercial, and industrial purposes. In fact, the Northeastern United States uses 40% of the residual fuel oil, 35% of the distillate oil and 17% of the gasoline consumed in the entire country. Yet, the northeast comprises only 4.5% of the country's land area. Much of the fuel oil is high in sulfur. Dr. Kenneth Rahn, University of Rhode Island, is using trace elements to find the source of pollutants. His research data indicate that **local**

pollution sources in New England are the main cause of acid rain and snow in that area. His research has not revealed sulfur compounds emitted from mid-western coal fired plants in the rain collected in the northeast. At St. Margaret's Bay, Nova Scotia, a study showed that 50% to 60% of the acid deposition came from the direction of Halifax, 15 miles to the east. A meteorological team at the University of Stockholm cautioned the Swedish people who blamed acid rain on the power plants in England, not to be so sure. This team's conclusion, after

studying sulfur, nitrogen and water cycles, via long-term monitoring, was that much of the acid rain was local.

EPA scientists studying emissions from four large oil burning units in New York City found flue gases from the boilers did indeed contain large amounts of both SO₂ and sulfuric acid. These flue gases also contained traces of vanadium. Further analyses showed that vanadium was found in the oil, in the emissions from the boilers and encrusted in the lining of the boilers where combustion takes place. Vanadium is present in significant amounts in oil but is almost nil in coal. These EPA investigators concluded that more than half the winter time, sulfate emissions in New York City are attributable to **local** oil burning boilers. Some studies have indicated that the suspended particulates rarely travel over 300 miles (most often up to 100 miles). This means that the more than 35,000 oil fired boilers in apartment houses in New York City play a dominant role in the elevated sulfate levels in that area.

The best available estimates of current interregional sulfate deposition are from the Advanced Statistical Trajectory Air Pollution (ASTRAP) model. This model shows that each region is its own largest source of deposited sulfate.

It's very discouraging when, in the face of these foregoing data, a politician such as Sen. Alfonse M. D'Amato (R-NY) says "Regardless of the documented scientific data, I have found the effects of acid rain obviously detrimental...I am co-sponsoring a bill, S.2001, to tax large plants and factories according to how much pollution they emit..."

IV. DOES ACID RAIN AFFECT HUMAN HEALTH?

Much research is going on concerning the relation between acid rain and health problems. To date, no ill effects

have been found. Naturally research will continue in this important area. We all know that many of the chemicals found in living plants and animals are acid. Muscles in the human body are mostly amino acids. Ascorbic acid or vitamin C is a dietary essential; malic acid gives apples their tangy taste. All of these have pH values within the range of rain termed "acid" (3.0 to 5.0 pH). The pH of acidic deposition is well within the range normally tolerated by human skin and eyes. The statements in the press that some individuals die because of acid precipitation are unfounded and do not reflect the current state of knowledge. Almost all of us drink quarts of fluids daily that are 5000 to 10,000 times more acid than milk or peas. Yes, soft drinks are of this acidity.

The world's outstanding epidemiologists who specialize in sulfur dioxide health effects in mankind deny that there are any adverse health effects. These include experts such as Dr. Arend Bouhyus (Chairman of the Cambridge Medical College), Dr. Robert Buechley, Dr. Merrill Eisenbud, Dr. Arthur Stern, Dr. Herbert Shimmel, Dr. Lawrence Hinkle, Dr. Battigelli, Dr. Thaddeus J. Murawski, and many others. Remember that the present law allows a maximum of 0.02 parts SO₂ per million parts air (0.00002%) in the ambient air.

Here are some of their comments:

1. A letter from Dr. Thaddeus J. Murawski, "There is no convincing medical evidence that SO₂ (below 10 ppm) has any adverse health effects, either acute or chronic. The evidence is even less that there are synergistic effects with pollutants.
2. Dr. Herbert Shimmel of the Albert Einstein Medical College, says, "We do not find any association between sulfur dioxide pollution and mortality."
3. Dr. Lawrence Hinkle,

Toxicology Expert of Cornell University Medical School says, "Man can tolerate exposure to SO₂ up to 25 ppm (that's 1250 times the current ambient level of .02 ppm) with no ill effects. Even at these high concentrations the nasal filters are so effective that very little SO₂ gets into the lungs.

V. What is the effect of acid rain on lakes and fish?

For some lakes in sensitive regions, evidence indicates the lakes have been highly acidified and will not propagate fish life. The rate, character, and the full extent of these changes are scientific unknowns. These studies have not been made in sufficient detail to document the actual changes. We do know that the vegetation and soil surrounding a lake and stream play a major role in determining the rate and nature of the water body's response to acid deposition. Many lakes in North America have complex watersheds where precipitation flows through forest canopies and soils, and is chemically modified before entering the lake. As the rain passes over the vegetation and through the soils, its acidity can be reduced or increased by manyfold.

Many people in the northeast claim that acid rain is the cause of the acidity of the lakes. In fact, many newspapers and magazines displayed maps showing the acid lakes. The lakes shown were the volcanic origin lakes which have been acid for thousands and millions of years. These lakes have never propagated fish. Within a relatively few miles of these lakes are non-volcanic based lakes containing fish of standard size. Three lakes are near each other and have such dissimilar pH values as 7.0, 5.5 and 4.4. The first two do propagate fish.

There have been emotional statements made about fish kills in Canada, Norway, and Sweden. These fish kills in Norway and Sweden have been reported nearly every spring for the past hundred years. The forest soil micro-organism activity produced natural acidity, sulfates, and nitrates which flush into these lakes as it rains, or as snow melts. The fish kills are normal. So, the media which have produced the documentaries on acid rain have done a great disservice to the American and Canadian people by over dramatizing the issue. Scientists were quoted out of context. Media people interjected their own side comments as prophets of doom.

The acidity of most of the waters involved are actually the greatest in the spring. The fish kills occur almost yearly even in the Midwestern United States lakes such as in Wisconsin because of the interception of the light by ice and snow on the lakes so that green aquatic plants are not able to produce adequate oxygen. Then the fish simply suffocate.

Regardless of the scare stories of the media there are larger amounts, and record sizes, of fish caught in the New England lakes each year. In fact, just as an example, on January 1, 1984, the New York State Department of Environmental Conservation released the size and quantity records for freshwater fish, listing 34 specie(s). A review of this release reveals the following:

- (1) In the period 1979-83, 25 of the 34 records have been broken.
- (2) In 1983 alone, 13 records were broken including:
 - (a.) Brown Trout (23 lb. 12 oz.)
 - (b.) Pink Salmon (1 lb. 9 oz.)
 - (c.) Cisco Whitefish (2.97 lb.)
 - (d.) Tiger Esocids (29 lb. 3 oz.)
 - (e.) Bullhead Catfish (2 lb. 0 oz.)
 - (f.) Channel Catfish (25 lb. 8 oz.)
 - (g.) Bluegill (1.96 lb.)

- (h.) Rock Bass (1 lb. 4 oz.)
- (i.) American Shad (7 lb. 14 oz.)
- (j.) Angling Carp (40 lb. 4 oz.)
- (k.) Bow Carp (58. lb. 5 oz.)
- (l.) Freshwater Drum (18 lb. 4 oz.)
- (m.) White Sucker (1 lb. 6 oz.)

Except for four of these records from Lake Ontario, all others were from separate lakes or rivers. Of the 25 records for the five year period, these occurred on 16 different lakes and rivers. These facts stand in stark contrast to media stories of impending doom for New England lakes.

It is true that in the 1920's and 1930's many people did catch fish in some lakes where fish are not available today. The fact is that during those years many of the Adirondack lakes were stocked annually by the Fish and Game Commission. Many of these lakes would not propagate fish. The people who did catch fish in these lakes were catching the fingerlings put there by the stocking group. The stocking of fish was discontinued about 1940.

Indeed, dead lakes are not new. The appendix to a study made by the New York State Department of Environmental Conservation reveals that fishery stocking in 12 lakes was being attempted and was failing as early as the 1920's.

In the U.S., 219 lakes have been identified as acidic and 206 of these lakes are in the Adirondacks. However, these 206 lakes account for only 4% of the total lake surface in New York State. This is far from being a widespread problem affecting all of the USA. This is a highly localized problem. the same applies in Southeast Canada where the highest percentage of the acid lakes are.

VI. DOES ACID RAIN DAMAGE TREES AND CROPS?

Rainfall makes the grass in our yard grow faster and become greener than it

would be if the grass were merely sprinkled using city water. The reason is that growing plants and trees require nitrates, ammonia, sulfates, magnesium, phosphorus, potassium, and other substances. The nitrates and the sulfates in rainfall are the ions which are the indicators of the major strong acid components in rain. Likens and Bormann pointed out way back in 1974 that the sulfur content of rain had decreased in New York State but that there was not a corresponding decrease in their rain acidity measurement. They concluded the observations might be due to the neutralization of sulfuric acid by particles in the air.

The best that scientists can say today is that they don't know what is causing the changes in growth of some tree species. Dr. Arthur Johnson of the University of Pennsylvania, one of the researchers looking into the problem, said this: "A lot of work needs to be done to understand whether it is a natural phenomenon or whether it is due to air pollution or a combination of circumstances."

Worldwatch, an environmental think-tank, says that "No single hypothesis can explain everything that's happening (to forests) everywhere."

So, those who raise the specter of dead forests and attribute their decline to SO₂ emissions from Midwest coal-fired power plants and acid rain are misleading the public.

Even the forest products industry, which as a larger stake than anyone else in the health of forests, can document that no acid rain damage is occurring to the trees it depends on for wood supply. Incidentally, despite constant acid rain, the amount of standing timber in New York forests increases by 70% between 1952 and 1976.

Ex-EPA administrator William Ruckelshaus recently told a congressional committee that while the information about forest effects is troubling, the uncertainty about the

cause "raises the possibility that if we act too quickly, we may control the wrong pollutant."

The May 1984 issue of the Smithsonian magazine devoted many pages on the terrible effect of the tussock and gypsy moths on the forests in various parts of the United States. It's interesting that essentially the same states cited in their article as complaining about the moth deforestation also claim that acid rain is killing their forests. Various pests and diseases are specifically responsible for much forest damage. The most notable of these include: Chestnut blight permanently altering eastern forests; Spruce budworm in Northern New England, Gypsy moths in eastern hardwoods; Pine bark beetles in the south and southwest; and Douglas-fir tussock moths in the west.

To date, the evidence that acid deposition and associated man-made pollutants have contributed to observed forest declines is circumstantial and inferential rather than conclusive. A variety of complex causes are possible, and plans for accelerated work (see Appendix I) are underway to determine which factors -- such as acid deposition, gaseous pollutants, insects, disease, and drought -- contribute to the damage.

Even though it is well established that soil conditions affect the growth of vegetation and trees, the effects of acid precipitation on this growth process remain uncertain. Experiments conducted to determine the impact of acid precipitation on crops have produced mixed results. The EPA tested 38 varieties of plants under greenhouse conditions with artificial rain adjusted to pH levels of 3.0 to 4.0. Approximately 40% of the varieties of plants showed **increased** yield, about 20% showed no effect while the last 40% showed **decreased** yield.

A recent statement in the press indicated that acid rain made holes in leaves of tobacco plants. In in-

vestigating this statement, we found that in a laboratory test, two soil scientists used water with a pH level of 2.0 (0.01 normal hydrochloric acid) and observed that holes were made in the leaves of tobacco plants. They also indicated that a pH level of 2.5 had no observable effect. There is no record of any rainfall anywhere at concentrations of 2-2.5 pH. This was merely an extreme laboratory test.

The Interagency Task Force on Acid Precipitation stated in their annual report of 1982 that "While there is general agreement that unmanaged soils in forested and grassland areas in humid regions may be sensitive to acidification from acid precipitation, there is no indication to date that the soils have become acid because of it or that forest production is being affected."

VIa. DOES ACID RAIN DAMAGE STONE AND METAL SURFACES?

Damage to architectural stone surfaces has been connected with atmospheric acidity. But the major cause appears to be local sources of air pollutants such as heavy vehicular traffic and industrial activity. Moreover, impacts from air pollution in general and impacts from acidic precipitation cannot be distinguished.

A flurry of news articles alleging an impact of acid rain on automobile finishes appeared in late 1980. But these stories were unfounded except as they related to acid smut fallout on vehicles parked near the offending chemical plants. Acid smut involves acidic particles quite unrelated to acid rain.

Another alleged hazard is the effect of acid waters on metal pipes. Both copper and lead pipes are relatively unaltered by moderately acid solutions, and none of the feared health impacts have been documented. In most cases,

any precipitation would be partly or completely neutralized as it seeps from the surface through the soil to underground pools or wells.

All in all, the effects of acidity on the environment have not been found to be as severe as some have suggested.

Moreover, the feared impacts have not been demonstrated outside the laboratory.

VII. ARE WE THE CAUSE OF THE HIGH ACIDITY IN SOUTHEAST CANADA?

Canada's Foreign Minister Joseph Clark, told Secretary of State George P. Schultz the new Canadian administration "Intends to keep raising the acid rain issue until the U.S. takes steps to reduce SO₂ emissions."

Mr. Allan Gotlieb, Ambassador of Canada to the United States, stated in a letter to the editor of the New York Times that the acid rain problem is recognized by all political parties in Canada reflecting deep and widespread public concern.

The Louisville Courier-Journal in late 1984 headlined an editorial: "The U.S. Policy on Acid Rain Just Insults Canada", and goes on with remarks like "The U.S. has no right to use Canadian skies as a sewer for air borne waste." A U.S. Senator, Daniel Moynihan has stated publicly that the U.S. is a very poor friend of the Canadians because we pour acid rain into Southeast Canada. The facts do not support these statements. Let us look at them.

The Canadian government passed out a 4-page "fact sheet" at the World's Fair in New Orleans indicating all the things the Canadian government has done and promised to do to decrease acid rain from 1978 through March of 1984. The indication in this presentation is that the United States government has not carried out its part of the bargain. However, nowhere in this report does the Canadian government

point out that it has not put in a single scrubber to remove sulfur dioxide or oxides of nitrogen from any of Canada's coal burning plants or from any of its huge smelter operations. The huge INCO Smelter at Sudbury, Ontario, alone emits 1,950 tons of sulfur dioxide **each day**. All indications from the Canadian Environmental Minister are that Canada **will** install scrubbers by 1987 or they **will** remove "X" tons of sulfur dioxides and other pollutants by 1990. Many of the Canadian so-called "dead lakes" (lakes which no longer support fish stocks and other wildlife or vegetation) are located near these INCO smelters which annually send nearly one million tons of sulfur dioxide into the atmosphere. Sometimes in the heat of debate the Canadians seem to forget that the U.S. Clean Air Act requires that our clean air laws are federally mandated and are enforced vigorously with civil penalties and the cutoff of federal funds. The U.S. already has 111 scrubbers in operation (51 more are under construction) at a cost of \$5.5 billion, plus an annual operating cost of \$2.1 billion. I do not know of a single scrubber in operation in a coal fired electric generating plant in Canada.

It's interesting that Canadians keep pointing out our lack of pollution control when they do not require pollution control devices even on their motor vehicles. There is no requirement for catalytic converters on cars in Canada. The total Canadian emissions of SO₂ are twice those of the United States on a per capita basis. The decline in the SO₂ emissions in Canada is mostly due to declining production by the copper smelting industry and to increasing use of nuclear and hydrogeneration of electricity. The decline is **not** due to governmental policies nor laws intended to improve the environment.

Recently the press reported that Canada and nine European countries have signed an agreement to reduce

sulfur dioxide emissions by 30% during the next ten years. The U.S. and Canadian press would have you believe that we are remiss in not being a member of the club. The fact is, they have just agreed to do in the future less than what the U.S. has already accomplished.

Energy Secretary Don Hodel, in recent testimony on acid rain before congress, expressed his concern regarding growing Canadian electricity exports to the United States. He noted that in 1982 the United States imported from Canada 34,000 gigawatt-hours of electric power -- the equivalent of twelve 500-megawatt coal fired plants operating at 65% plant factor. The Canadian Energy Research Institute estimates that by 1990 the total potential market for Canadian power in the U.S. could be 15 to 30 times today's level. Obviously, if the U.S. produces less power because of repressive constraints on generation, one beneficiary would be the power producers in Canada. They are building more nuclear and hydro plants. Adding insult to injury, the Canadians are today seeking U.S. financing for their nuclear plants. These plants will export nuclear power to the United States, where the anti-nuclear groups prevent the building of our own such plants.

VIII. WHAT CAN WE DO TO CONTROL ACID RAIN?

Because there are still no accurate scientific data on conversion, transportation, accumulation, or transformation in cloud water of pollutants, we must continue research in these areas.

In the meantime, areas having local trouble should look at solutions on a local basis. The burning of high sulfur oil in the northeast should be curtailed. The oil should be desulfurized. This is a local problem. When one has a flat tire on an automobile he does not remove

the entire body or engines. He only repairs the flat tire.

Some of the suggestions made by Washington politicians include placing scrubbers on all coal burning equipment in a 31-state area. The cost is estimated as high as \$30 billion. The politicians say that this should be paid by the electric utilities. This ultimately means you and me! A high percent of the population does not understand this.

A test has been made in the Adirondack park region of New York State using powdered limestone in 51 small lakes that were acidic. The lime, being alkaline, reduces the acidity, raising the pH. Result: good fishing has been restored. The cost has been only between \$15 to \$30 each year for each acre of surface water. All known acid lakes in Adirondacks would be limed adequately for about \$300,000, each year. Liming is also being used in Canada and Scandinavia. Liming is much cheaper than some politicians' suggestions to use expensive scrubbers. Yes, only 0.001% as much as scrubbers.

There is no evidence to suggest that a reduction of sulfur dioxide emissions from one portion of the country (midwest, for example) will result in a proportional decrease in the acidity of rainfall in another portion of the country (for example, northeast). In fact, it's been predicted that a 90% decrease in the sulfur dioxide emission in the midwest would not **decrease** the acidity of the lakes in the northeast by more than 4% (a pH increase of 0.2, i.e., 4.3 to 4.5). BUT -- the electric light bills would double!

For those who feel that we should try scrubbers anyway to see whether they could help, I wish to point out that a SO₂ stack gas scrubber for a coal burning power plant has an initial cost of \$100 to \$300 million for the equipment alone. In addition, the scrubbers require energy to operate. Consequen-

tly 4 to 6 percent of a plant's power has to be put back directly into operation of the equipment. Other costs, including the purchase of chemicals and the disposal of sludge collected from the scrubbing, add further to the plant's operating cost. Disposing of that sludge actually imposes another problem for those concerned with the clean environment. These are all part of the \$30 billion cost mentioned above.

SUMMARY

In summary, the scientific and engineering community agrees that many gaps exist in our understanding of the acid lake -- acid rain issue. We know what is **known** and we know the gaps of the **unknowns**. Fortunately, a large research effort is underway by the Acid Rain Task Force. Additional research is going on in private industrial and state laboratories. We do not yet have the basic information to determine the efficacy of any control strategy that so far has been recommended. As stated in the National Academy of Science Report of 1983, we do not believe it is practical at this time to rely upon currently available data and models to distinguish among alternative control strategies. The question, then is "Should the government spend money on projects whose effectiveness cannot be judged in solving a problem which is still not well defined?" With our present knowledge this question cannot be answered by scientists and engineers.

If politicians insist on making a decision now, based on the meager information they presently have, the payment for this huge expenditure will be paid by the individual energy users--you and me. You know that decisions made in the past by politicians, trying to solve real problems, without the basic knowledge, have been expensive and in most cases, wrong.

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Chronicle

Coal news and related comments from 1984

by Dan Miller

JANUARY

Sunday the 1st — James "Buck" Harless is named West Virginian of the Year for 1983 by none other than the **Charleston Gazette**, thereby proving that no one is wrong all of the time. The paper did not list the criteria for its annual selection, but certainly it could not have found a more worthy recipient.

Also this day, the Associated Press runs a story summarizing the West Virginia Supreme Court's year of "making or reinterpreting law across a wide expanse of public issue." The infamous decision which resulted in the coal industry losing its right to buy ad-

vertising air time from West Virginia University, was labeled "one of the year's most offbeat cases," Webster holds that "offbeat" means "eccentric, unconventional." Not strong enough, perhaps, but accurate, very accurate.

Tuesday the 10th — According to figures from the Federal Office of Surface Mining, West Virginia coal operators will have paid a total of \$350 million into the Abandoned Mine Lands fund by 1992. This money is to be returned to the individual states by OSM, for the purpose of reclaiming abandoned mine lands. Fine so far. But only 50% of the money is automatically returned

in the state which generated it. The rest is parceled out by the federals, supposedly on an "as needed basis." In reality, this becomes a paper shuffling contest among the regulatory authorities in the various states. You've probably guessed the point by now. West Virginia loses again. We're getting back \$109 million LESS than we're putting in. That's one hundred and nine million coal taxed West Virginia dollars being sent by the federal government to reclaim lands in other states. Neighboring Pennsylvania, whose operators pay less into the fund, will draw out half a billion more. Presumably, that makes Pennsylvania's paper shufflers the card sharks of high stakes federal poker.

Sunday the 15th — Mines Director Walter Miller proudly points out that West Virginia's record low mine fatality in 1983 is just the latest step in a recent trend. Fatalities totaled 33 in 1980, 27 in 1981, 22 in 1982, and 13 last year.

Tuesday the 17th — The copyrighted "West Virginia Poll" reveals that 55% of the state's residents feel that West Virginia's business climate is inferior to other states.

Wednesday the 18th — Statewide newspapers drag out the same headline used every month for a long time now, "W. Va. Jobless Rate Highest in U.S." Specifically, West Virginia's rate stands at 15%, nearly double the national figure.

Friday the 20th — The West Virginia Supreme Court, always good for a distressing tidbit, votes to hear a UMW suit challenging the Board of Coal Mine Health and Safety. Justice Richard Neely expressed doubt that the Court has the authority to ease the Union's grievance, but nevertheless went along with the unanimous decision to hear the case. We can only hope that the limits of the Court's authority will be a factor this time.

Sunday the 22nd — A UMW organizer apparently one who lost his copy of "Modern Organizing Methods," is charged with destruction of property while "picketing" in Mingo County.

Tuesday the 24th — Preliminary figures show that Wyoming has overtaken West Virginia to claim the number two spot in coal production. While not as traumatic as the announcement over a decade ago that Kentucky had bumped the Mountain State from the number one spot, West Virginia's stagnating production totals represent a continuing and alarming trend.

Wednesday the 25th — Once again affirming the obvious, a panel under the National Labor Relations Board has upheld an employer's decision to move operations from an old union plant to a new non-union one. Such a basic right as that of closing one's business and opening another one should not even be the subject for argument, but at least now the precedent is on paper.

Thursday the 26th — West Virginia suffers its first mining fatality of 1984 with the death of Brentford Toothman of Monongalia County.

Tuesday the 31 — According to figures of a Charleston consultant, the "acid rain" bill being pushed in Congress by the New England states would cost 2885 mining jobs in West Virginia.

February

Saturday the 4th — Defections from the Bituminous Coal Operators Association (BCOA) continue, with the resignation of Princess Susan Coal Co. of Kanawha County, W. Va. BCOA is the primary bargaining agent for coal operations with the United Mine Workers. Numerous resignations from that organization, coupled with the possible UMWA strategy of selective strikes, could make for an intriguing and complicated bargaining period this year.

Sunday the 5th — The National Research Council of the National Academy of Sciences is taking on acid rain again, this time attempting to determine how long we've had it, among other things. The council's past efforts have been quoted by both sides on the question of "acid rain" legislation. While we're waiting for that, here's a quick fix for northeasterners: If auto

emissions contribute to the problem, even a little, and if precipitation carries pollutants into lakes and does nasty things to fish, then shouldn't people in southeastern Canada and northeastern U.S. observe a complete moratorium on driving in the rain?

Monday the 6th — Bruce Jutzi, head of the environmental section of the Canadian embassy to Washington, is sure that the Ohio Valley is the source of his country's supposed acid rain problem. He wants power plants to install \$200 million scrubbers, thereby pricing low sulphur coal out of the market; or he wants to eliminate the use of high sulphur coal altogether; really he would like to do both. But Mr. Jutzi wants us to know that Canada means to cause us no economic hardship. This is not to imply the Canadian school system does not impart logic to its pupils. Maybe it's just that Bruce was absent that day.

Tuesday the 7th — James Edward Burnette of McDowell County, becomes the state's second mining fatality of 1984.

Wednesday the 8th — The West Virginia State Senate conducts a hearing on "right to work" legislation which it had no intention of seriously considering, despite the fact that a large majority of its constituency feels such legislation is needed. The hearing is notable only for its predictability. WV AFL-CIO President Joseph Powell, used his allotted three minutes to discuss the importance of air conditioning in the south, then rambled on for nine minutes more about the evils of corporate management and desire to put shackles on working people. This is standard union testimony on any bill which it opposes and indicates a lack of preparation on the part of the speaker or a lack of any relevant arguments to

put forth. As usual, Senate President Warren McGraw was abusive to those witnesses hostile to his philosophy. This was particularly true of one Mr. Charles Baily, vice president of the National Right to Work committee. McGraw all but called the witness a liar over a simple statement of the number of the Committee's West Virginia members. The Senator then engaged in semantic warfare in a vain attempt to show that mandatory union membership when the union wins an election is no infringement on a working man's freedom. Despite the considerable disadvantage of being witness against interrogator, Mr. Baily was able to make his point. Perhaps in that, there is some hope for the future of "right to work" in West Virginia.

Monday the 13th — Kenneth Mounts of Logan County is killed, the state's 3rd mining fatality of the year.

Tuesday the 14th — A positive tone is set for 1984 contract negotiations when the UMW reaches agreement without a strike, with Pittsburgh & Midway Coal Mining Co. of Denver.

Wednesday the 22nd — The Kanawha Garden Club brings in two experts, with quite diverse backgrounds, to discuss the acid rain issue. To the surprise of many, the speakers agree on nearly everything, mainly that there is no need to rush to any judgement about the causes and solutions to the problem. The Garden Club does not realize that this will cause the **Charleston Gazette** to gnash its editorial teeth for days to come. Well done, ladies.

Thursday the 23rd — Consolidation Coal recalls 111 miners to two operations, one each in Monongalia and Marion Counties. One the down side, Consol also announced

the layoff of 60 other employees at another Marion County mine.

Friday the 24th — Using such terms as "economic development" and "economic feasibility," ski resort developer, Frank Burford promises a "battle royal" with the West Virginia Department of Natural Resources over citations issued by DNR's Water Resources inspectors. We hope both sides will forgive the coal industry a wry smile as we watch this one, with interest, from the sidelines.

Monday the 27th — Donald Jones, of Fayette County, dies in a roof fall accident, West Virginia's fourth mining fatality of 1984.

Tuesday the 28th — Over the protest of chief executives from mid-western and Appalachian states, the National Governors Association resolves that those states should take the total hit in reducing acid rain. That solution didn't cost these "public servants" a dollar, or a vote, or probably even an hour's thought. Their stand is thoughtless, gutless, and hopefully, meaningless.

March

Thursday the 1st — At the deadline for organizing the 1984 negotiating team, final figures reveal that the Bituminous Coal Operators Association (BCOA) will represent only 66% of the total coal production, compared to nearly 85% last time around.

Monday the 5th — The Environment and Public Works Committee of the U.S. Senate passes, 14-2, a

Monday the 5th — West Virginia suffers its fifth mining fatality of 1984

with the death of Bruce Wayne Hartwell of Fayette County.

Wednesday the 7th — Environment and Public Works Committee of the U.S. Senate passes, 14-2, a proposal that would legislate an annual reduction of sulphur dioxide of ten million tons. These 14 senators, of course, are horrified at the prospect of their constituents sharing in the cost of this action. Therefore they are pushing a bill that dumps the burden squarely onto midwestern and Appalachian states. Such an unrealistic expectation will probably doom the proposal to an early congressional demise, as happened in 1982.

Friday the 9th — Orange and Rockland Utilities, Inc. of New York, signs an agreement with Rawl Sales and Processing Co., of Mingo County for an annual purchase of 287,000 tons of West Virginia's finest, each and every year from 1985 till 2005.

Saturday the 10th — UMW President Richard Trumka tells newsmen that there is still the possibility of a nationwide coal strike in 1984. In an industry where strikes at contract time have been almost automatic, that's mighty moderate language. While a union must always hold onto the possibility of a strike in order to negotiate effectively, it's gratifying to hear that Mr. Trumka apparently expects an untypically smooth process this year.

Monday the 12th — Amid the celebrating over a large new contract between a West Virginia coal company and a New York utility, UMW officials begin grumbling at the lack of a contractual guarantee that the coal will come from union mines. We'll ask the question that union officials, government officials and newspeople omitted

from their charges, responses, and coverage, respectively. "Why should there be such guarantees?" Though signed in the Governor's office, at the elbow of union leaders, this is a contract between a New York public utility, and a private company in West Virginia. If that company makes a business decision to supply the contracted coal from a mine where the workers do not happen to be represented by the UMW, who can reasonably argue that it lacks the right to do so?

Tuesday the 13th — UMW and BCOA leaders come face to face for the beginning of the 1984 negotiating process, with the realistic hope for the first strike-free negotiated contract since 1964.

Wednesday the 14th — A preliminary injunction halts union picketing at the Cumberland Village mining complex in Mingo County. The complaint was brought by the National Labor Relations Board, which apparently felt that brick throwing and other violent acts did not fall within the bounds of "informational picketing."

Thursday the 15th — Hawk's Nest Mining Co., in Fayette County, recalls fifteen workers and announces possible plans for a complete reopening and recall of 80 miners.

Friday the 16th — Employees of Benjamin Coal Co., one of Pennsylvania's largest coal producers, reject UMW representation, reversing an earlier election challenged by the company. UMW officials plan to challenge this one.

Monday the 19th — UMW officials plan a resumption of picketing at the Cumberland Village mining complex in Mingo County, when a preliminary injunction expires April 1.

A judicial oversight brought about a ten day gap between the expiration of the preliminary injunction and the hearing on a permanent one. A company spokesman expresses confidence however, that the permanent injunction will be granted.

Tuesday the 20th — In yet another example of West Virginia's "government by decree," the Workers' Compensation Fund has begun hiring 225 new employees, in order to comply with service objectives laid down by philosopher-king Darrell McGraw of the West Virginia Supreme Court. The cost, of course, will be borne by the state business community in the form of new and higher rates, effective July 1.

April

Monday the 2nd — Dehue Coal Co. files charges with the National Labor Relations Board against the United Mine Workers District 17, for conducting a secondary boycott against the company in violation of provisions of the National Labor Relations Act. The charges stem from a wildcat strike conducted against Dehue by miners apparently unhappy with the company's practice of buying non-union coal to fill a contract.

Tuesday the 3rd — UMW District 17 continues its "contract-and-law-be-damned" strike against Dehue Coal Co.

Thursday the 5th — The People's Republic of China and Occidental Petroleum Corp. sign an agreement for the development of what may prove to be the world's largest coal mine, the Pingshuo open pit mine in the northcentral Chinese province of Shanxi.

The contract calls for an infusion of

some \$350 million American dollars for developing the mine with 1.4 billion tons of proven coal reserves. This is believed to be the largest financial deal ever negotiated between the communist Chinese government and a foreign firm.

Friday the 6th — Once again the UMW has gone to the West Virginia Supreme Court for "Big Brother" type assistance, and once again the Court has dutifully smitten the defendant. This time it is the Board of Coal Mine Heath and Safety which feels the combined wrath of the UMW/WVSC. Still recognizing no bounds of its assumed and unchallenged powers, the Supreme Court handed to the Board a list of judicial demands and forbade it to adjourn until things are as the UMW petitioned. Meanwhile gubernatorial candidate Clyde See wants to make the Court more answerable to its constituency by shortening the justices' lengthy 12 year term of office. The proposal hasn't received much attention, but it should. It really should.

Tuesday the 10th — A contract negotiated between the UMW and Big Foot Coal Co. has ended the two week wildcat strike at Dehue Coal, which has purchased non-union coal from Big Foot. The agreement included dropping charges filed against the Union with the National Labor Relations Board.

Thursday the 12th — Tennessee Eastman Co. opens a first-of-its-kind plant in Kingsport, Tenn., which will convert Appalachian coal into chemicals. The chemical, acetic anhydride, is responsible for about one-third of the company's annual revenue. In the manufacturing process, 125,000 tons of coal will replace 1 million barrels of petroleum each year.

Friday the 13th — Bernie M.

Browning of Boone County is killed in a coal trucking accident, the state's 8th mining fatality of 1984.

Sunday the 15th — A new scientific study reveals "severe deterioration of tree foliage and declining tree growth" in the Ohio Valley. Since environmentalists, among other "experts", have already decided that we are blowing all of our own pollution onto the heads of unfortunate northeastern fish, we can only assume that this problem is the result of someone else's emissions. Perhaps we can launch a study on the meteorological patterns and ecological effects of hot air blowing out of Washington, D.C., New England and Canada.

Monday the 16th — Alexander Grant & Co. releases its annual rankings of the business climates of the 48 contiguous states. West Virginia finishes 40th, down one notch from last year. This news will be followed by the annual debate over the validity of the study, etc., in which everybody misses the point, which is that West Virginia's business climate is poor, and that we should do something about it.

Tuesday the 17th — Negotiations open between the United Mine Workers and the Bituminous Coal Operators Association. These people will seek to conclude the first strike-free negotiated coal contract since 1964. They have 167 days in which to accomplish their task.

Wednesday the 18th — Conrail and Chessie System announce that a total of \$848 million will be earmarked by the two railways this year for upgrading rail facilities in the coalfields, including "extensive work in West Virginia."

Thursday the 19th — Island

Creek Coal Co. announces that workers at its Dobbins Mine in Grant County set a national record for production in a 24 hours period, with 21,951 tons mined on April 4.

Friday the 20th — The political arm of the United Mine Workers has endorsed West Virginia Governor Jay Rockefeller in his bid for the U.S. Senate seat currently held by the retiring Jennings Randolph. Since this is a coal industry publication, and industry groups do not share the Union's right to make direct endorsements, well, enough said.

Monday the 23rd — The West Virginia Department of Employment Security borrows \$5.6 million more from the federal government, bringing its total debt to a staggering \$324.2 million. A legislative study commission will investigate ways to bring the deficits back under control, but there aren't many alternatives, and none of them are very good.

Tuesday the 24th — The United Mine Workers continues its illegal picketing at the Cumberland Village Mining Coal Co. in Matewan. The Union's claim to legality rests with its assertion that it is conducting "informational" picketing, which is legal. Union officials have not specified just what information pickets are conveying with rock throwing and other incidents of violence.

Wednesday the 25th — Linda Thompson of Mingo County becomes West Virginia's ninth mining fatality of the year.

Thursday the 26th — The West Virginia Department of Mines puts state coal production at 11.4 million tons for February, and 22.0 million tons for the first two months of 1984.

Newspapers tout this as the state's "best production in two years," which is to say it's better than last year, which isn't to say very much.

May

Tuesday the 1st — A group of retired and disabled miners asks Governor Rockefeller to "remain neutral" in a Mingo County mine dispute. What prompted this seemingly reasonable request? It seems that the State Police have been escorting Cumberland Village mine workers through union picket lines. Apparently, the group's interpretation of neutrality would be to remove the troopers from this volatile scene. And how would such action aid the union position? Could it be that these "informational pickets" are asking for the freedom to harass and physically intimidate the workers of a non-union mine? Yep. Could be.

Thursday the 3rd — A narrow vote in a U.S. House subcommittee on an amendment to the Clean Air Act has effectively killed the chances of "acid rain" legislation during this Congressional session.

Friday the 4th — Donald R. Lewis, of Raleigh County dies in a roof collapse, the state's 10th mining fatality of 1984.

Saturday the 5th — Consolidation Coal Co. announces the recall of 51 workers to two mining operations in the northern panhandle.

Monday the 7th — According to an announcement from the National Labor Relations Board, the UMW District 17 has agreed "not to threaten or coerce employees of Battle Ridge Co. in organizing drives." That such an agreement is necessary or newsworthy

is a sad commentary. Coercion and intimidation, common tactics in District 17, have no place in our society. Does this announcement imply that the UMW retains and the NLRB endorses the right of intimidation at other operations?

Wednesday the 9th — Coal contract negotiators get down to serious business today as talks resume in Washington, D.C. between the UMW and the BCOA.

Thursday the 10th — Peabody Coal Co., the nation's largest coal producer, but new to West Virginia, announces the reopening of the Big Mountain No. 8 Mine in Boone County, returning 60 employees to work. Big Mountain No. 8 is part of a group of 14 mines purchased by Peabody earlier this year from Armco, Inc.

Tuesday the 15th — Again this year, Consolidation Coal Co. is hit with a "sexual harassment" suit, this time by three former employees at a Marion County mine. Consol is a company whose hourly workforce is totally unionized. If the company says work and the union says don't, the miners don't. Is this suit, therefore, being directed at the right defendant? Why should Consol, or any company, be held responsible for the actions of employees who answer to a "higher" authority?

Wednesday the 16th — BCOA Chief negotiator Bobby Brown sounds a warning to his UMW counterparts, and it is real food for thought in heavily unionized West Virginia. "If we are not successful (in averting a strike), coal will continue to be mined, it will continue to be processed, and it will continue to be burned. But it will not be UMWA-represented coal."

Thursday the 17th — Liberal, Labor-backed, Democratic Guber-

natorial candidate Warren McGraw, continues to insist that he is not anti-business. In an interview with the **Charleston Daily Mail**, McGraw calls this "a myth that has been perpetuated by a number of business lobbyists." The reader who can find any logic in that concept is invited to share it.

Monday the 21st — Jessie Jackson, who alleges a desire to bring all American together under the banner of his "Rainbow Coalition," delivers an asinine speech at Logan High School. Jackson professes to be a "leader of new direction," but his obvious unfamiliarity with the state and its coal industry reduced his remarks to a collection of inflammatory rhetoric straight out of the 1930's.

Tuesday the 22nd — Word comes out of Virginia that the Old Dominion is not really interested in annexing Mercer County, West Virginia, where a group is promoting secession from the Mountain state. Though the effort is, sort of, tongue-in-cheek, it's based on the very real and distressing differences in state government's attitude toward business on both sides of the border.

Thursday the 23rd — Robert E. Campbell of Raleigh County dies in an electrical accident at a Boone County mine, the state's 11th mining fatality of 1984.

June

Thursday the 7th — A coalition of environmental groups releases yet another "acid rain" report, this time dramatically announcing that "the acid rain problem has reached our state" (WV). For those who take such drama literally, you may envision a huge acid

rain cloud which has been careening around the northeast U.S. and Canada, and has now descended upon Appalachia. Count the **Charleston Gazette** among this group. Under its boldface "crisis" headline, the **Gazette** devotes 21 column inches of copy to this story, naming the groups which released the report, but never identifying them as people who earn their livelihood from opposing industry. At the bottom of the story, on page 2C, is a single paragraph devoted to a group which takes issue with the report. Here, the **Gazette** sees fit to point out that the source is "a lobbying group that opposes legislation to control acid rain."

Monday the 11th — According to first quarter figures from the West Virginia Department of Mines: Coal employment is up versus 1983; production is up; productivity is up; fatalities are up; injuries are down.

Tuesday the 12th — Two Wyoming County operations of Consolidation Coal Co. win runner up honors in "sentinels of Safety" contest co-sponsored by the Mine Safety and Health Administration, and the American Mining Congress. Both Itmann No. 1 and Itmann No. 2 completed 1983 without an injury, but worked fewer man hours than the first place winners.

Wednesday the 13th — Stirling Energies Inc., of Pittsburgh announces plans to reopen the Philpott Prep Plant in Raleigh County. Under previous ownership, the plant closed in 1981, idling 40 employees.

Saturday the 23rd — Not so many years ago, nobody was allowed to surface mine coal in 22 of West Virginia's 55 counties. During the heyday of anti-surface mining hysteria in the early 1970's, the State Legislature

decreed that no surface mining could be conducted in any county where the industry did not already exist. The Legislature created this issue, and the State Supreme Court refused to touch it. In the forefront of opposition to this ridiculous restriction was a retired tax clerk by the name of Truda Murray. Mrs. Murry owned coal property in Wetzel County, one of the 22 restricted counties, and she didn't like the moratorium one bit. Mrs. Murray was a wonderful departure from the environmentalist — promoted caricature of coal owners as land grubbing corporate monsters. He picture, her age, and most of all her strong and passionate voice, emphatically illustrated the basic unfairness of the moratorium, and it eventually died a natural legislative death. Mrs. Murray never got to mine her Wetzel County coal, but she did her state a service. Truda Murray died today in South Charleston. She was 92.

Monday the 25th — On the other side of the West Virginia Landowners coin, we have Virginia native Rick Webb, who returned to nature in Braxton County, then spent the next several years trading lawsuits with nearby coal companies. Webb has decided to return to the Old Dominion, specifically the genteel confines of the University of Virginia. Having no further use for his little piece of West Virginia, Webb sold out to one of his neighbors — Brooks Run Coal Co.

Tuesday the 26th — It may have been obvious to those unfamiliar with the thought processes of government and unions, but the National Labor Relations Board has ruled that unions may not restrict its members from resigning from the union during a strike. It is indeed startling that such a ruling is even necessary in this free country, but if you think that's incredible, check this.

Union leaders vow to appeal the case to the U.S. Supreme Court. The phrase "only in America" comes to mind, but even in our "anything can happen" society is it possible that a court of justice could rule than an American citizen cannot resign from a labor union at will?

Wednesday the 27th — Jerry Wayne Jarrell of Kanawha County is killed in a shuttle car accident, the state's 12th mining fatality of 1984.

JULY

Thursday the 5th — In quick succession, three former employees of U.S. Steel's Morton Mines file suit claiming they were unlawfully discharged due to age discrimination, the National Labor Relations Board orders Master Mining and Neibert Coal Co. to hire three laid off miners who previously worked for those mines under different ownership, and who claimed discrimination by the new companies due to their previous involvement in union grievances, and the UMW protests American Electric Power's closing of two coal subsidiaries, which it has sold, between the miners' vacation shutdown and the transfer date of October 1. There is a common thread running through these news items. It is that the union position, and unfortunately that of some government people, is that a private company no longer has the right to make business decisions independently. Anti-discrimination laws are intended to offer equal opportunity to all. They were and are not intended as a free ticket for anyone who can claim membership in a special interest group, such as union activists, or those over 40.

Monday the 9th — Bureaucrats

must "bureaucratize." So saith the West Virginia Supreme Court, which held that the State Board of Coal Mine Health and Safety hadn't issued enough regulations and ordered that Board into continuous session until an adequate supply of paper was used up. Disregarding the public hearing process, under its mandate from the high court, the Board issued eight quick regulations, and now has produced five more, a total of 13, presumably one for each fatality of 1984. Fortunately those charged with highway safety in West Virginia don't regulate under the same Supreme Court whip.

Tuesday the 10th — State Senator Robert Nelson is the chairman of the investigative committee charged with looking into West Virginia's Unemployment Compensation Trust Fund mess. After one day on the job, Nelson pronounces that the problem is "not as bad as it has been made out." The Fund owes to the federal government \$309,000,000 and that's just the principle. Interest payments of \$23,000,000 (so far) must come from the State's general revenue fund. "What it was made out to be," must have been some really whopping numbers.

Wednesday the 11th — The UMW and the BCOA have now used up more than half of the six months between opening negotiations and closing coal mines. They have now exchanged initial demands. Fellas, we just gotta pick up the pace a little.

Thursday, the 12th — Florida Power signs a contract to buy 550,000 tons of coal per year from a company in the country of Columbia. Price, of course, is the determining factor. It is believed that Columbian coal runs about \$30 per ton, delivered. The West Virginia delivered price to Florida is

between \$40 and \$50. Somebody, somewhere is doing something wrong.

Friday the 13th — In 1976 the federal government took land near Moundsville valued \$1.3 million, and developed it to the tune of \$73 million as a pilot plant for the liquefaction of coal. In 1979, the project was abandoned by the federal government. In 1984, just the other day in fact, the federal government sold the plant to the highest bidder. The highest bidder was the River Hurricane Co. of Kimper, KY. Its bid was \$0.4 million.

Monday the 16th — Steve Dial, of Logan County, is killed in a coal truck accident, the industry's 14th fatality of 1984.

Wednesday the 18th — Latest federal statistics reveal that West Virginia's unemployment rate has dropped to 13.7%. Our national ranking in this depressing statistic, unfortunately, has not dropped. We're still number one.

Thursday the 9th — The Great Plains synthetic fuels plant, located in South Dakota, begins marketing synthetic natural gas. Back in 1980, when South Dakota went Republican in the presidential election, and West Virginia didn't, we had a synfuels plant under construction. The federal government closed ours.

Thursday the 26th — A West Virginia environmental group takes exception to a remark by West Virginia Senator Robert Byrd that "the ultimate purpose of some proponents of acid rain controls is to stop the burning of virtually all coal." While admitting that his group supported the Waxman-Sikorski bill, which would have crippled West Virginia's low sulphur coal

production, the environmental spokesman insisted that sulphur emissions controls can be tightened without hurting either production or employment. In addition to being at odds with the facts, this preposterous statement ignores the fact that the group's entire history has been one of opposition to the coal industry at every turn.

Friday the 27th — Charleston Gazette Editor Don Marsh devotes 27 column inches to inuendo, speculation and curve ball accusation directed at one of the finest men this state has ever produced. At issue is the integrity of Mr. James "Buck" Harless, of Gilbert, a man whom the Gazette saw fit to recognize as the "West Virginian of the Year" for 1983. Marsh openly admits in his column of "engaging in guilt by association," then says, "I don't mean to," then proceeds to do it some more. Harless's "offense" was to dig into his own pocket to supplement the salary of the underpaid president of West Virginia University. Sadly, the result a few days later, will be that WVU's Gordon Gee will feel honor bound to refuse the supplement, and Marsh will left to either gloat over his own influence, or feel ashamed that the power of the poison pen can stain so widely.

Saturday the 28th — The UMW decides that the increased industry wide fatality rate for 1984 is due to management's callous disregard for safety in its attempt to stockpile for what might become the strike of 1984. This position ignores some facts. The safety record for 1983 was outstanding, the best in history. This year's record, to put it simply, is not. It is, however, comparable to 1982, a little better, in fact, and better than every year before that. In 1983, anti-coal reporters tried to assign the low fatality rate to low production. This year, when produc-

tion is on the rise, the fatality rate is the second best in history. To blame fatalities on management practice is flatly wrong.

Sunday the 29th — An analysis by the **Sunday Gazette-Mail** attempts to belittle business rankings of the states. The writer's basis for this is the discrepancy in the rankings given a select few states in two independent studies. In truth, this occurred because the studies gives different weights to various factors. West Virginia's rankings, though, are fairly consistent — 40th in one, 48th in the other. Let South Carolina editors worry about whether that state is 15th or 50th. In West Virginia, we should concern ourselves with how to break out of the bottom ten, and that's just for starters.

August

Monday the 6th — Speaking at the Beckley Coal Festival, President E. Morgan Massey of A.T. Massey Coal Co., Inc., tells his audience not to hold its breath for an upsurge in the demand for West Virginia coal. Citing the loss of domestic steel and export markets, Massey holds that the coal business is already as good as it's going to get.

Tuesday the 7th — A UMW organizer has been charged with simple assault and ordered to stand trial in connection with a beating in Greene County, Pa. The incident involved a man who was hired to "photograph incidents" surrounding union efforts to organize the L&J Equipment Co.

Wednesday the 8th — As the negotiating deadline nears, the possibility increases for the "selective strike" process to be implemented for the first time in eastern coal fields. Un-

der the selective strike strategy, some mines are closed by striking workers, and others are allowed to continue operating. As opposed to an all out industry wide strike, this could have some benefits to both labor and management. There is of course, no indication as to which companies will be struck. Here's a suggestion. Allow the non-union companies which exist in the midst of "union territory" to go about their business without the usual violence which traditionally surrounds a UMW strike.

Friday the 10th — Carl DelSignore of Bayard, and the Buffalo Coal Co., is elected chairman of the Board of Directors of the West Virginia Surface Mining and Reclamation Association for 1983-84.

Saturday the 11th — BCOA official Paul Stanek reports little substantial progress in his group contract negotiations with the UMW. Stanek describes the negotiations as having "considerable ground to cover," and indicates that the coming week will be the key to whether a strike can be averted on September 30.

Tuesday the 14th — New York Governor Mario Cuomo signs the nation's first "acid rain law," in this case requiring a 30% reduction in sulphur dioxide and nitrogen oxide emissions from oil and coal burning plants in that state by the 1990's. A spokesman for Consolidation Coal Co. calls the action "premature," and "a mistake," stating "the politics have gotten way out in front of science."

Friday the 17th — The seven year old federal surface mining law forbids mining operations in protected wilderness areas, except where a company has "valid existing rights." In other words "if you have it, we can't take it

away, but you can't have any more." According to a ruling by the Interior Department Otter Creek Coal Co. has it, but naturally an environmental group wants to take it away anyhow. The National Wildlife Federation has sued to overturn the Interior decision validating Otter Creek's mining rights. The group doesn't like the coal company's claim to 20,000 acres in the Monongahela National Forest either, and has filed suit accordingly. It doesn't really think the government should pay for the coal to prevent its mining either. In other words, this group, like other "environmental" groups, uses the laws it likes and cried foul when the same law doesn't suit its needs.

Monday the 20th — Leckie Smokeless Coal Co. signs an agreement with the UMW to sign whatever national agreement is reached, in exchange for a pledge that the union will not strike Leckie in the event that no national agreement is reached by September 30. Leckie is the first non-BCOA company in West Virginia to sign with union in this negotiating period.

Tuesday the 21st — Admitting to being a "johnny-come-lately," State AFL-CIO President Joe Powell calls for a cooperative effort between labor and management. Powell gave no indication whether his philosophical change of heart has anything to do with the fact that two candidates popular with business are running for governor this year. But if he's sincere, here's a great place to begin cooperating. Let each individual in West Virginia decide whether or not to join a labor union. For those unfamiliar with the rhetoric, this is achieved through a right-to-work law, and West Virginia, incredibly, does not have one.

Wednesday the 22nd — BCOA

officials break off talks with the UMW. Consistent with agreed policy, neither side will shed any light over what issues caused the impasse. No further meetings were scheduled.

Thursday the 23rd — The West Virginia Department of Mines announces state production figures through the first half of 1984 at 70.9 million tons, an increase of 21%. Two halves like that would make 1984 the best coal year in West Virginia since 1970, but it is not to be. Stockpiling accounts for the increase, and a strike, or a soft market in the absence of a strike will bring the year end figures down to those levels we have almost learned to live with.

Saturday the 25th — A UMW District 17 spokesman, speaking to the lack of information made public concerning UMW-BCOA contract negotiations, says, "both sides are trying to tone down all the speculation. They feel that negotiations will move quicker without it." This comes just five weeks before the strike deadline, at a time when talks have broken off, and no further meetings are scheduled.

Wednesday the 29th — Rare and good news from the West Virginia Workers' Compensation Fund. Rates in 53 of 91 business classifications have been reduced, and rates overall declined by 1.6%.

Thursday the 30th — Something called the Progressive Mine Workers of America (PMWA) beat the established UMWA in an election to represent workers at the Bridger Coal Mine in Rock Springs, WY.

Friday the 31st — The **Charleston Gazette** gets all excited over discovering that a DNR inspector in Harrison County has leased coal property to a company which has other

mining operations within his jurisdiction. This despite the fact that the inspector owned the farm seven years before going to work for DNR, and despite the fact that another inspector also makes periodic inspections at the company's jobs. But then it doesn't take much to get the **Gazette** excited and never mind anybody's reputation. Just ask Buck Harless or Gordon Gee.

September

Monday the 3rd — Displaying more organization than is usual with "organized labor," UMW officials vow that its members will not strike companies which have signed "me too" agreements. This is an arrangement whereby companies outside the ranks of the BCOA agree in advance to whatever national contract is reached, in return for the union's agreement not to strike in the event no settlement is reached before the expiration of the current contract on September 30. Despite signing the agreement, some coal company officials are concerned that the selective strike process cannot work in the coal industry, and that any UMW strike will quickly spread to all companies, agreements notwithstanding. Meanwhile, no further talks are scheduled between UMW-BCOA officials.

Tuesday the 4th — U.S. Senatorial candidates Jay Rockefeller and John Raese become embroiled in a political dispute over the idea of a right-to-work law. We'd like to report that one is for it and one is against it, and tell you which is which, but sadly, the dispute centers around Rockefeller implying that Raese is for it. Raese says no, he's not, and is insulted by any thought that his is. Gubernatorial candidates Arch Moore and Clyde See

don't have this problem: they agree that they're both against it. It's sad when the four candidates for the two highest positions West Virginians have to offer on this ballot, can provide no more diversity of thought on what should be a major campaign issue. West Virginia desperately needs a right-to-work law, and one of these four men, all of whom regularly court the coal industry for every kind of support, should have the political courage to back it.

Wednesday the 5th — What did Florida buy from Columbia, and what does it have to do with West Virginia? The answer to both questions, in a word, is coal. Florida utilities looked south for their coal for the simple reason that it cost 20% less, delivered. Although Colombia to U.S. importing is usually associated with a somewhat more exotic product, this is not a one-time occurrence, and so eastern U.S. coal has yet another foreign competitor who can deliver to our doorstep more efficiently than we can deliver our own to ourselves. U.S. coal does not need "slave labor" wage agreements to compete for our own domestic markets, but it does need help, and our national administration, reputed to be so highly prejudiced in favor of business, should look into it.

Saturday the 8th — News that the Reagan administration wants to cut the Synfuels budget by nearly 70%, serves as a painful reminder that each year without the Synfuels plant we lost after the last presidential election costs West Virginia over two million tons of production and consumption. Here's hoping our state rides the winning horse in 1984.

Sunday the 9th — The United Mine Workers, which only a year ago claimed to have insufficient funds to pay for radio advertising on the Moun-

taineer Sports network, has now piled up over \$40 million in its "selective strike fund," despite a generally optimistic outlook for settling the contract without a strike.

Monday the 10th — The UMW and the BCOA resume contract negotiations after an 18-day lapse, with job security and work rules the major obstacles to a strike free settlement.

Tuesday the 11th — West Virginia unemployment for July stands at 14.7%, an increase of .8% versus June. The State maintains its national lead in joblessness. The national average is 7.5%.

Wednesday the 12th — Another entry in the "news-is-no-news" sweepstakes: The "Friends of the Earth" believe that the environmental risks of coal slurry pipelines outweigh the benefits. In an ironic twist of testimony, the groups spokesman tells a Maryland legislative committee that "we don't have enough information." Where is this idea of inadequate data when these groups discuss the need for "acid rain" legislation?

Thursday the 13th — Hobet Mining Corp. becomes the fifteenth West Virginia company to sign a no-strike agreement with the UMW.

Wednesday the 19th — Marion County officials announce plans for the construction of a coal loading facility on the Monongahela River in Fairmont. Planned in response to high railroad rates, the new facility could be handling up to 50,000 tons per month by the end of the year.

Thursday the 20th — Valley Camp Coal Co. signs the no strike agreement with the UMW, as negotiations continue in Washington

between the BCOA and the UMW, just 10 days short of the deadline.

Friday the 21st — The United Mine Workers and the Bituminous Coal Operators Association come to terms and begin the process of securing ratification by the union's rank and file ahead of the September 30 expiration date of the old contract. In keeping with the practice throughout negotiations, spokesmen for both groups decline to discuss specifics of the settlement.

Saturday the 22nd — Having secured an agreement with BCOA members, UMW President Richard Trumka announces that as many as 12,000 miners may walk out in selective strikes against non-BCOA companies which have not signed prior agreements with the union.

Monday the 24th — A Circuit Court suit alleging subsidence damage closes a Monongalia County operation of Consolidation Coal, idling some 300 workers.

Tuesday the 25th — **Inc. Magazine** releases its annual business ratings and West Virginia is rated dead last. The Mountain State lost a chance to finish 48th when the magazine included Alaska and Hawaii in its ratings.

Wednesday the 26th — UMW members head to the polls to have their say on the tentative contract. Union officials target their old nemesis, A.T. Massey Coal Co., for selective strikes. Massey is a double thorn in the union's side. Its highly successful non-union operations serve as a poor recommendation for UMW organizing efforts, and its unionized companies have insisted on conducting negotiations outside the BCOA umbrella.

Thursday the 27th — U.S. Steel

shuts down seven mines and two prep plants in McDowell and Wyoming Counties laying off 1500 miners.

Friday the 28th — The rank and file of the UMW approve the contract by a 5-1 margin, and union President Richard Trumka signs a new 40 month contract with the BCOA, marking the first time in 20 years that negotiations have been successfully concluded without a major strike. Meanwhile, layoffs mount with the U.S. Steel announcement of closings in Boone and Kanawha Counties affecting some 450 miners.

Saturday the 29th — A federal jury sensibly absolves Pittston Coal Co. of responsibility for the alleged practice of its male miners peeping at its female miners at the bathhouse of a Pittston subsidiary. The female plaintiffs sought \$5.8 million (yes, million) in damages related to the peeping and other alleged acts of sexual harassment.

Sunday the 30th — On the last day of the old contract period, the UMW gleefully anticipates the prospect of "selectively" striking organized operations of the A.T. Massey Coal Co. Seeking to drive as many coal companies as possible into the negotiating posture of the BCOA, Union President Richard Trumka refused to begin negotiations with non-BCOA companies until contract terms were reached with that organization. Now that a general strike has been avoided, and the old contract is history, Trumka and District 17 (southern West Virginia) officials are eager to shut down Massey, while the rest of the industry is, technically, free to produce. Trumka has already announced his intention to be more demanding in negotiations with companies remaining outside the fold on October 1. Massey, meanwhile, as a corporation, can still rely on its non-

union operations for coal production. Then too, if these operations begin to fill orders from those Massey mines which are legally struck, then they may be picketed under guidelines of the National Labor Relations Board. At that point, Massey's non-union miners would have to decide whether to cross the union picket line. If they do, then the union will have to decide whether a 20th century American has the right to go to work without intimidation and threats, or worse. If the union, or its individual members, decide otherwise, as they have at times in the past, then state and local officials in West Virginia will have to decide whether to uphold the law this time.

October

Monday the 1st — On the first day of the new UMWA-BCOA contract period, celebration is tempered by the realization of how many mines will close despite the first negotiated strike-free settlement in twenty years. Selective strikes, called against those companies which attempted to negotiate outside the BCOA umbrella, quickly idle 2000 miners, primarily in West Virginia, Kentucky and Pennsylvania. Then too, stockpiles built in anticipation of a major strike have all but eliminated the prospective market for the remainder of 1984, resulting in extensive layoffs.

Wednesday the 3rd — Layoffs in West Virginia mines total more than 3,000, bringing the total of idled state miners over 5,000 since the UMWA-BCOA contract was signed five days ago.

Thursday the 4th — It becomes glaringly apparent that the major thrust of selective strikes called against independent coal companies by the UMW, is to strike a telling blow to the A.T. Massey Coal Co., which has em-

barrassed the union in the past by running efficient, modern, union-free mines in the heart of District 17, southern West Virginia. Negotiators on both sides describe the respective positions as "miles apart."

Friday the 5th — Layoffs in West Virginia mines top the 4000 mark, while officials for the American Electric Power Co. predict a lull of several months before normal coal purchases resume.

Monday the 8th — The construction workers branch of the UMW soundly defeats a proposed 40 month contract negotiated between the union and the BCOA. The contract dispute affects some 10,000 workers, who have been on the job without a contract since midnight, September 30. No immediate strike was anticipated.

Wednesday the 10th — A.T. Massey, the major target of selective strikes by the UMW, announces the closing of four more subsidiaries, one in West Virginia, and three in Kentucky. Negotiations between Massey and the union have gotten nowhere. Massey has both union mines under the new contract, as well as free running non-union mines. The UMW has the vast majority of its membership under a new forty-month BCOA contract, if not on the job. This means neither side is in a mood for concessions, setting the stage for a long and bitter struggle.

Thursday the 11th — Amid mounting layoffs and selective strikes, some good news. NERCO Coal, the nation's 10th largest producer, announces plans to open a new mine in Fayette County by mid summer, 1985. Initial annual production is expected to be about 300,000 tons.

Friday the 12th — "Consumer advocate" Ralph Nader, out of the

media limelight for some time, announces a "secret plan" by the Reagan administration to cut black lung benefits. Even the UMW, often nervous about Republican intentions, pooh-poohed Nader's notion, saying it expects no changes in the current program.

Saturday the 13th — Those who worry over the tendency of national interests not to expand in West Virginia should take heart. Buckhannon has given birth to a West Virginia chapter of the Sierra Club. This may not expand B&O revenues much, but at least we poor hillbillies can get our own acid rain reports now, rather than depend on something second hand out of New York.

Sunday the 14th — Another magazine, **Business Week**, has surveyed corporate executives on the desirability of relocating to various states. This time West Virginia didn't finish last. Our region, designated here as the South Atlantic, was rated at the top. Unfortunately, West Virginia wasn't. We beat out Alaska, Hawaii, and North Dakota.

Monday the 15th — It turns out that West Virginia may be the leader of the entire industrialized world — in unemployment, that is. Just in the United States, the Mountain State continued its solid lead in joblessness with an August figure of 13.6%, 2.5% worse than Mississippi, its nearest competitor. Now comes the news that if West Virginia were in western Europe, it would be the unemployment king there, too. In France, often the focus of European industrial problems, the unemployment rate for August was 10.2%. England is the only real competitor we have, with an August rate of 13.5%.

Tuesday the 16th — A coal of-

ficial whose company has been closed due to the stalemate between the UMW and his parent firm, A.T. Massey Coal Co., has come up with a unique solution to his problems. He wants to sell the company to his striking employees. Bill Lester, general superintendent at Robinson-Phillips Coal Co. in Wyoming County, says the offer is deadly serious. Responding to a suggestion that the employees could not act on his proposal without authorization from UMW-Washington, Lester emphasized that the offer is not being made to the UMW, but to the collective mine employees. Whether the mine would continue as a union operation, he surmises, would have to be up to the new owners. Lester also predicted that the prospective miner/owners would be forced to cut their own wages to operate in the black. Say what you will about Massey, it's never a dull company.

Wednesday the 17th — Bethlehem Steel Corp. announces a \$79 million investment in a steam coal mine in Nicholas and Clay Counties. The new complex will employ about 200 construction workers and 150 permanent miners. Production should reach 2 million tons annually by 1988, with 1990's capacity of four million.

Thursday the 18th — Some 400 miners at Peabody Coal Co. operations in Raleigh and Boone Counties receive layoff notices, bringing the three-week total to nearly 5,500.

Friday the 18th — Four small companies in McDowell County sign the national BCOA contract with the UMW. This, despite the fact that Union President Richard Trumka said the union would demand a better contract from those companies outside the fold on October 1. Apparently this policy is reserved for only those companies with

ties to major union foe A.T. Massey Coal Co.

Saturday the 19th — Rawl Sales and Processing begins laying off employees as the stalemate continues between parent company A.T. Massey and the UMW. Company officials see little hope of an early settlement, but a local UMW president says the company's latest proposal has not yet been rejected. Did somebody just blink?

Monday the 20th — Jack Rinehart, Sr. of Marion County dies in a coal car accident, the state's 16th mining fatality of 1984.

Tuesday the 21st — Once again, the judicial branch imposes upon the proper jurisdiction of executive and legislature, with the ruling of U.S. District Court Judge Thomas A. Flannery requiring tipples operators to post \$10,000 bonds, to install drainage systems, to obtain separate permits if tipples are located within 100 feet of streams, and to hold public hearings on the road permit application. All this is in response to a lawsuit, what else, by "citizens" groups, and contrary to legislated law, and executive regulation. The law imposes these requirements on tipples at, or near, mining operations. Federal and state regulation defines at or near, as five miles. The good judge ignores this and as judges are now used to doing, writes his own law, regulations and implementary procedures.

Wednesday the 24th — Four more coal companies sign the BCOA-UMWA agreement, further putting the lie to Richard Trumka's vow to negotiate tougher contracts with non-BCOA independents.

Saturday the 27th — The **Charleston Gazette** deems it investigative reporting to discover that

one of the nation's largest coal companies has donated \$300,000 over a six year period to a state university of the nation's most coal intensive state. The **Gazette** is excited over this because a company official complained to the University over the involvement of a law professor in legal action against the company. The **Gazette**, its editorial history indicates, believes that donors to any institution should never express an opinion to that institution, lest it raise the dark specter of "influence." The paper also takes exception to the position of the dean of the College of Mineral and Energy Resources, who apparently had the temerity to agree with the company's position. Then the **Gazette** goes on to pontificate about a university being a "center for unfettered ideas." When will these coal types learn that freedom of expression is for "the people;" and, in the **Gazette's** world, you can't be a "people" and try to turn a corporate buck at the same time?

Monday the 29th — Apparently there is no limit to the powers which the judiciary in this country feels entitled to bestow upon itself. After a federal jury dismissed an invasion of privacy suit filed against Pittston Coal Co. for a ridiculous 8.3 MILLION DOLLARS, one Elizabeth V. Hallanan, U.S. District judge, was awarded sold jurisdiction to decide the "civil rights" aspects of the "case." Stretching a law to the point where rubber would break, she ruled that Pittston has violated the Civil Rights Act of 1964, which, Her Honor apparently thinks, charges corporations with making their employees be nice to each other. You may have trouble finding it in the Civil Rights Act of 1964, but this is a part of the punishment Judge Hallanan meted out to Pittston. The company is herewith ordered to conduct "assertiveness training" for all female miners at the Beckley No. 2 mine, and to train all mine personnel on

the prevention of sexual harassment. Pittston could someday find itself the subject of another suit. If the male miners demand their right to assertiveness training. But we can't escape the thought that nobody with the chutzpah to bring this suit off is in need of assertiveness training.

Wednesday the 31st — UMW President Richard Trumka brays that A.T. Massey Coal Co. is playing a "high stakes game" in daring to shut down its own UMW-struck mines. Trumka hints that the union is contemplating unfair labor practice charges against Massey. Apparently, Trumka feels that closing mines is strictly his turf.

November

Thursday the 1st — the UMW contacts West Virginia State government about possible help in arranging a "buyout" of two coal mines. The offer came from Wyomac Coal Co., not to the union, but to the employees of two company subsidiaries. Wyomac, in turn, is a subsidiary of A.T. Massey Coal Co., which is locked in a struggle with the Union as the major target of selective strikes. The two mines in question, Robinson-Phillips Coal Co. and Simron Fuel Co. have been closed for nearly a month.

Friday the 2nd — Governor Jay Rockefeller is taken to task by his opponent for U.S. Senator, John Raese, for "standing idly by" while the Public Service Commission approved the purchase of 43 million tons of Wyoming coal by the Appalachian Power Co. Campaign rhetoric aside, it certainly should be a matter of standing policy in West Virginia that the only Wyoming coal burned in this state should come from Wyoming County.

Saturday the 3rd — Eastern Associated Coal Corp. reopens two mines in Wyoming County, recalling about 550 workers.

Sunday the 4th — West Virginia environmentalists hop on the railroad bandwagon, denouncing in advance proposed coal slurry pipelines on West Virginia Territory. The **Charleston Gazette** follows its time tested recipe for anti-industry editorializing, one story, one page, one side.

Monday the 5th — U.S. District Judge Glen Williams hears arguments from the UMW and the Small Coal Operators Association (SCOA) in the SCOA's petition to force the Union to negotiate with it. The SCOA represents some 400 companies, outside the BCOA, primarily in southwestern Virginia. The UMW refuses to recognize it as a bargaining agent, though it is negotiating separately with seven SCOA member companies. As much as it abhors independent negotiating, it seems the UMW looks with disfavor on the rise of any negotiating group of companies other than the BCOA, preferring that industry put all its eggs in one basket. All the better to make omelets with at contract time.

TUESDAY the 6th — "Consol, Continental Oil, DuPont gave WVU \$458,326 since '79". That's what the headline said today in the **Charleston Gazette**. It would have been stimulating to see a subhead reading "Will the Gazette pay WVU \$852.62 in '84?" The **Gazette**, in its "investigative reporter" mode, requested the list of corporate contributions of WVU President Gordon Gee, under the West Virginia Freedom of Information Act. Gee complied, but invoked another section of the same law when he enclosed an invoice for \$825.62. The

Gazette article contained no comment as to whether the paper intends to honor the entire statute.

Wednesday the 7th — Under provisions of the Surface Mining Control and Reclamation Act of 1977, the West Virginia Department of Natural Resources finds itself dealing with the "effects of underground mining." This point has been brought home dramatically with the discovery of mine subsidence — under the DNR field office at Crab Orchard, in Raleigh County.

Thursday the 8th — Peabody Coal Co., which bought Armco properties in West Virginia for more than one quarter billion dollars, has announced an additional investment of \$24 million for "major capital projects and new equipment" at the Montcoal, Sundial and Robin Hood mines.

Monday the 12th — The U.S. Forest Service has deemed that the plans to develop mineral resources in the Otter Creek Wilderness are "not compatible with wilderness management." A USFS spokesman maintains that this determination does not, in itself, prevent mining operations, or affect permit applications. We'll see about that down the road as the permitting process unfolds. First, the Otter Creek Mining Co. must establish its "valid existing rights" under the Wilderness Act. Then it must endure the normal permitting procedures and inevitable assault from the "environmental" community, at which time the USFS survey will surely resurface. We are fortunate in this country that there are individuals and companies willing to put up with such continual nonsense in order to mine coal — else we would all "freeze in the dark," a fate some would have said we deserve.

Tuesday the 13th — Newspaper accounts report that the International Executive Board of the United Mine Workers have ended a 1982 freeze on union membership dues, and raised the monthly assessment by \$8. More later.

Wednesday the 14th — The concept of Surface Owners rights, something coal operators have lived with for years, is relatively new to the oil and gas people. At a recent hearing on the new law, Delegate Joseph Albright (D-Wood) reported complaints that too few reclamation plans are being reviewed "on site" by Soil Conservation District personnel. "One plan was approved which required water to run uphill," he remarked. Here's where those concerned with oil and gas can learn by the experience of their coal brethren. The requirement of water running uphill could simply be incorporated into federal regulation, where it would be right at home.

Thursday the 15th — The Associated Press ran a short feature story on the doings of one John Meade, who fuels his home fires from a "doghole" mine in his back yard. This is interesting reading, but we hope it is not widely read, else the resourceful Mr. Meade may find himself inundated with inspectors, environmentalists, and other such mining experts. The UMW may even want to organize him, to keep him from exploiting himself.

Saturday the 7th — UMW President Richard Trumka, who prides himself on running a democratic union, has appointed a special panel to find out who told the press in monthly union approved increase in monthly union dues. He also promised disciplinary action against those who discussed the dues increase with reporters. After all, there's such a thing as carrying freedom of speech too far.

Tuesday the 20th — Amid reports that UMW department heads are collecting all memorandums every day to prevent further "leaks" to the press, top Union officials have denied the existence of "special panel" to find and punish the source of earlier leaks. President Richard Trumka's negotiations with the BCOA last summer were notable for the lack of information made available to the press and public. Whether the investigative panel exists or not, it is true that the dues increase was approved by the Union's International Executive Board, unaccompanied by a prompt announcement. It is clear that President Richard Trumka values secrecy within his headquarters. The only question is, how far will he go to get it?

Wednesday the 21st — A seven year three lake study conducted by the Electric Power Research Institute, an organization funded by utilities, concludes that reducing sulphur emissions by 50% would result in a "tenfold" improvement in heavily acidified lakes. This is based on a survey of three neighboring lakes in the Adirondack Mountains of upstate New York, of which one is relatively acid free, one is acidified, and one is somewhere between. Overlooked in this wealth of information is a question. Why do three lakes in such proximity, each receiving the same rain, acidic or not, vary so widely in acidity? Could it be that soil and other local conditions are larger determining factors? Study that.

Thursday the 22nd — Eastern Associated Coal Co. recalls 100 miners to its Keystone No. 5 mine in Raleigh County.

Tuesday the 27th — U.S. Steel Mining Co. announces the recall of 500

miners to the No. 50 Mine and the Pinnacle preparation plant, in Wyoming County.

Friday the 30th — The **Charleston Gazette** devotes a headline to the revelation that Eastern Associated Coal Co. contributed \$100 each to the gubernatorial campaigns of Republican Arch Moor and Democrat Clyde See. Fred Raskin, committee treasurer for Eastern's political action committee, candidly explained "we just love them both." This is in contrast to the United Mine Workers, which didn't think enough of either man to offer an endorsement for governor. All in all, we like Eastern's approach. Love 'em both.

DECEMBER

Saturday the 1st — President Reagan appoints John Ward to the post of director of the Office of Surface Mining. Ward may serve without Senate confirmation at least through the coming Congressional session, though no serious opposition to the appointment is expected.

Sunday the 2nd — A subcommittee of the U.S. House of Representatives has reported that the Interior Department, specifically the Office of Surface Mining, has "failed miserably" in attempts to implement the Surface Mining Control and Reclamation Act of 1977. Those congressmen and media members who are surprised by this revelation may wish to check the testimony of hundreds of industry and state regulatory officials on this subject between say 1971-81. After all, hindsight is better than no sight at all.

Monday the 3rd — Peabody Coal Co. has suspended operations at two underground mines in its Sundial com-

plex in Raleigh County, idling 214 workers.

Tuesday the 4th — Jennings Randolph, stepping down as West Virginia's senior senator after 26 years, receives the latest in a long line of well deserved accolades, this time from the coal industry. Proceeds from the \$100 a plate affair will fund a Center for public service at Salem College, in Harrison County, WV, which the Senator's grandfather founded. Of course, \$100 a plate can't fully fund such a project, so Jim Compton of Grafton Coal, always at the forefront of giving, got the ball rolling with a \$100,000 "challenge" pledge.

Wednesday the 5th — In a cutesy, but unsuccessful attempt to lampoon A.T. Massey's innovative approach to employee relations, Charleston novelist Denise Giardina displays the journalistic shallowness which apparently qualifies for the **Charleston Gazette's** "guest columnist" program.

Thursday the 6th — The Environmental Protection Agency, of all agencies, slowed down the American move to "government by lawsuit" in denying petitions by Maine, Pennsylvania (?), and New York to force 30-40% sulphur emissions reductions in Ohio, West Virginia, Illinois, Indiana, Kentucky, Michigan, and Tennessee. Actually EPA pulled a cop-out of sorts by holding that the petition was filed under the Clean Air Act, which does not speak to the "acid rain" issue. Therefore, the three unsuccessful litigants will join the other five New England states in a new lawsuit. If at first you don't succeed, sue, sue again.

Saturday the 8th — Peabody Coal recalls 214 miners laid off just five days ago due to a new order from a

major utility. Displaying its usual sense of balance, the **Charleston Gazette** devotes six column inches to the Monday layoff, and four lines to the Saturday recall.

Monday the 10th — The National Coal Association has good news and bad news in its yearly forecast, but not much of either one. NCA projects an increase in the demand for coal of 2.3%. At the same time, projections call for a likewise modest decrease in production of 1.1% as stockpiles deplete.

Tuesday the 11th — A proposed \$615 million coal slurry pipeline, designed to carry West Virginia coal to Baltimore at a projected savings of \$20 million annually, dies in a Maryland legislative subcommittee. Don't be surprised if the railroads increase fees slightly, to pay for the celebration.

Wednesday the 12th — "Coal Roads threaten Panther State Forest," warned the **Charleston Gazette** headline. Sounds like the forest will be leveled to accommodate the coal trucks doesn't it? Actually, the threat consists of one coal company hauling coal over two miles of public road through the forest, and another company requesting permission to cross less than half a mile of forest with an access road. The Forest superintendent is against the idea. Hence, the **Gazette's** shrill warning.

Thursday the 13th — A recently completed study by the West Virginia Tax Department shows the Mountain State's tax burden to be higher than all other sample states in only two of ten selected categories. Senate Finance Chairman Robert Nelson thinks this "puts to rest the theory that we are anti-business because of our taxes." Perhaps

Senator Nelson should be put to rest. West Virginia scores worst in the study in exactly those areas where its most important industries lie. We were easily the highest in chemical manufacturing. We were the highest in steel manufacturing. West Virginia was fourth highest in imposing coal taxes, but among our eastern coal producing neighbors, only Kentucky was higher. Our rate there was nearly three times that of Ohio and Maryland, nearly four times that of Pennsylvania and Virginia. It's of little comfort that we scored well on wholesale beer.

Monday the 17th — OSM graciously grants some \$2 million to the State of West Virginia for the costs of regulation and for assistance to small operators. This breaks down as 97.5% for regulation, and 2.5% for assistance. The money, of course originally comes from a tax on coal production which necessarily spends a couple of years in federal non-interest bearing accounts before coming back to West Virginia.

Tuesday the 18th — West Virginia's unemployment rate has risen to 16% according to October figures released by the Labor Department. This pads the nationwide lead which the Mountain State has held for the past umpteen months.

Wednesday the 19th — Red Ash Sales, Inc. lays off some 170 miners in McDowell County.

Thursday the 20th — A spokesman for the UMW threatens to expand the UMW's selective strike against A.T. Massey to include the company's non-union operations. How a union can conduct a strike against a non-union operation was not explained, but pending court cases indicate that strategy is not always limited by law.

Friday the 21st — In West Virginia's somewhat unique political atmosphere, the predictable can also be the surprising. The latest example is the decision of the Human Services Commissioner to grant food stamps to miners striking A.T. Massey Coal Co. This is based on the Commissioner's interpretation that Massey's decision not to recognize the UMW constitutes a lockout. Never mind that Massey didn't recognize the union before the miners voluntarily walked off their jobs.

Wednesday the 26th — U.S. Steel announces the reopening of three mines and a prep plant in McDowell County, returning some 400 miners to work.

Thursday the 27th — Papers carry two instructive announcements side by side, one each from the over regulated coal industry and from the recently de-regulated rail industry. Westmoreland Coal Co. reports of fourth quarter net loss of \$7.4 million, and consequently will sell or close five West Virginia mines. Conrail, a major West Virginia coal carrier, announces record year end earnings of \$500 million.

Friday the 28th — One never knows how labor decisions will go. A U.S. District Court has ruled that Cannelton Industries does not have to reinstate a convicted murderer who happens to be free on bail pending appeal (thank you very much), but the National Labor Relations Board has ordered a bankrupt coal company to pay a quarter of a million dollars to 14 workers fired a year before the company went under.

Monday the 31st — The West Virginia mining industry overcomes an ominous first quarter and records 1984 as the second lowest fatality year ever. Best ever was 1983.

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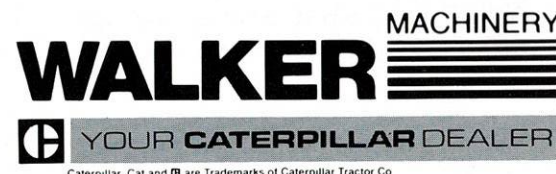
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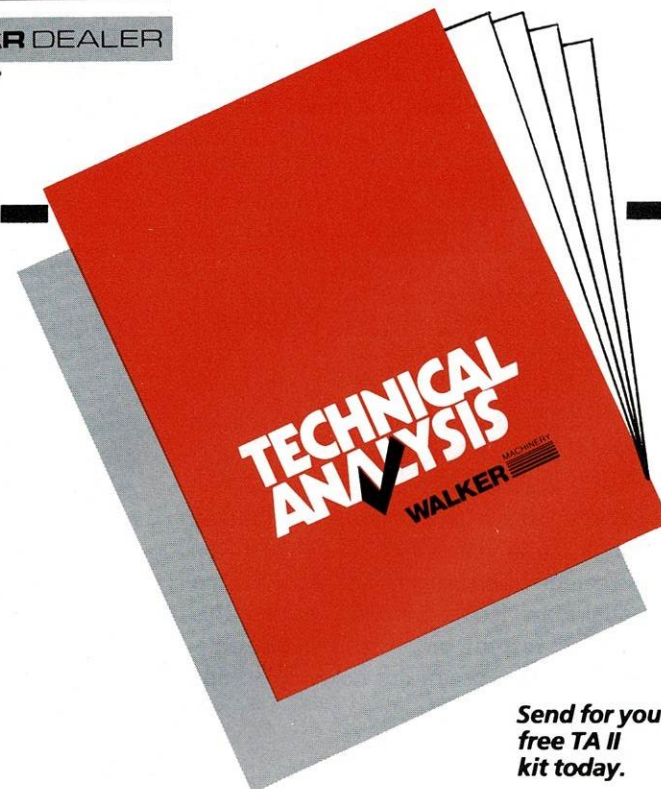
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Coal Calendar

MARCH

5-6 Workshop, "How to Establish and Maintain Union-Free Employee Relations," Boone Lake Training Center, Bristol, Tenn., contact Gracie Gilliam, SESCO Management Consultants, P.O. Box 1848, Bristol, Tenn., 37621, (615) 764-4127.

6-7 12th Annual West Virginia Surface Mining Symposium, Charleston House Holiday Inn, Charleston, contact Patty Bruce, West Virginia Surface Mining and Reclamation Association, 1624 Kanawha Blvd. E., Charleston, WV 25311, (304) 346-5318.

7-8 "Federal Coal Leasing," Clarion Hotel, Denver, Col., contact National Coal Association, 1130 17th St., NW, Washington, D.C., 20036, (202) 463-2625.

13-14 "Expo '85," Equipment and Technology Exposition, Charleston Civic Center, Charleston, contact Contractors Association of West Virginia, 2101 Washington St., E., Charleston, 25311 (304) 342-1166.

23 Annual Meeting, Virginia Mining and Reclamation Association, Ramada Inn, Kingsport, Tenn., contact VMRA, P.O. Box 776, Big Stone Gap, Va., 24219, (703) 523-4200.

24-26 "Conference for Coal Industry Management," Radisson Plaza Hotel, Lexington, Ky., contact West Virginia Society of CPA's, P.O. Box 1142, Charleston, 25324, (304) 342-5461.

27-28 Southern Coal Conference, Inc., Annual Meeting, Queen City Club, Cincinnati, O.

27-29 Annual Meeting, Mining and Reclamation Council of America, Marriott Hotel, Washington, D.C., contact MARC, Suit 525, 1575 Eye St. NW, Washington, D.C. 20005, (202) 789-0220.

APRIL

1-2 "5th Annual International Coal Trade Conference," Washington D.C., contact John Ekberg, **Coal Outlook**, 1401 Wilson Rd., Arlington, Va., 22209, (703) 528-1244.

2-4 Workshop, "Effective Supervision," Boone Lake Training Center, Bristol, Tenn., contact Gracie Gilliam, SESCO Management Consultants, P.O. Box 1848, Bristol, Tenn., 37621, (615) 764-4127.

16-18 Workshop, "Effective Personnel Management," Boone Lake Training Center, Bristol, Tenn., contact Gracie Gilliam, SESCO Management Consultants, P.O. Box 1848, Bristol, Tenn., 37621, (615) 764-4127.

24-25 Annual West Virginia Surface Mine Drainage Task Force Symposium, Ramada Inn, Morgantown, contact Patty Bruce, West Virginia Surface Mining and Reclamation Association, 1624 Kanawha Blvd. E., Charleston, 25311, (304) 346-5318.

25-27 Annual Meeting, National Independent Coal Operators Association, Hyatt Regency Hotel, Lexington, Ky., contact NICOA, 1514 Front St., Richlands, Va., 24641, (703) 963-9011.

MAY

10

Short Course, "Spontaneous Combustion of Coal," Morgantown, contact Department of Mining Engineering, West Virginia University, P.O. Box 6070, Morgantown, 26506, (304) 293-5695.

12-15 American Mining Congress Coal Convention, Hilton Hotel, Pittsburgh, Pa., contact AMC, 1920 N. St., NW, Washington, D.C., 20036, (202) 861-2800.

13-14 Short Course, "Mining Exploration and Reserve Calculations," Morgantown, contact Department of Mining Engineering, West Virginia University, Morgantown, 26505, (304) 293-5695.

14-16 Short Course, "Coal Laboratory Technician Training, Ky. Center for Energy Research, Lexington, Ky., contact OISTL, P.O. Box 13015, Lexington, Ky., 40512, (606) 252-5535.

20-22 Short Course, "Mine Ventilation," Morgantown, contact Department of Mining Engineering, West Virginia University, Morgantown, 26506, (304) 293-5695.

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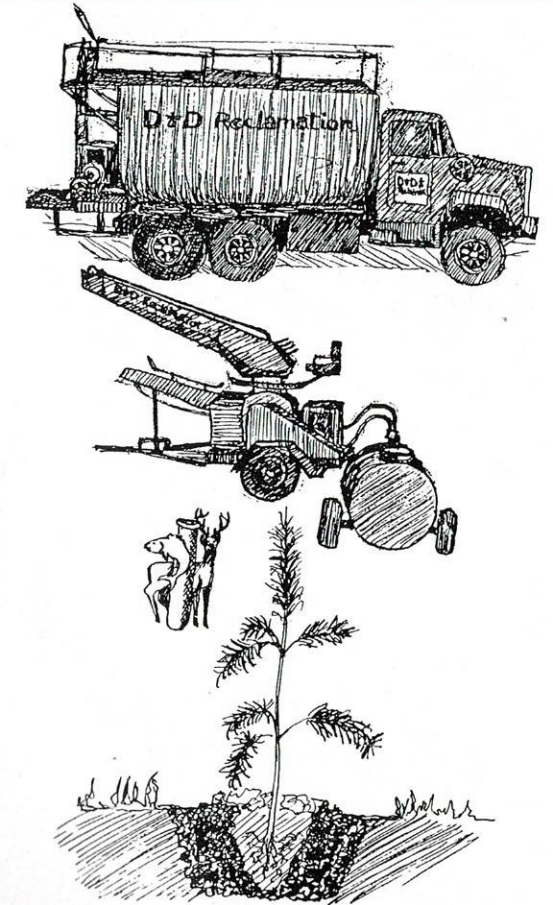
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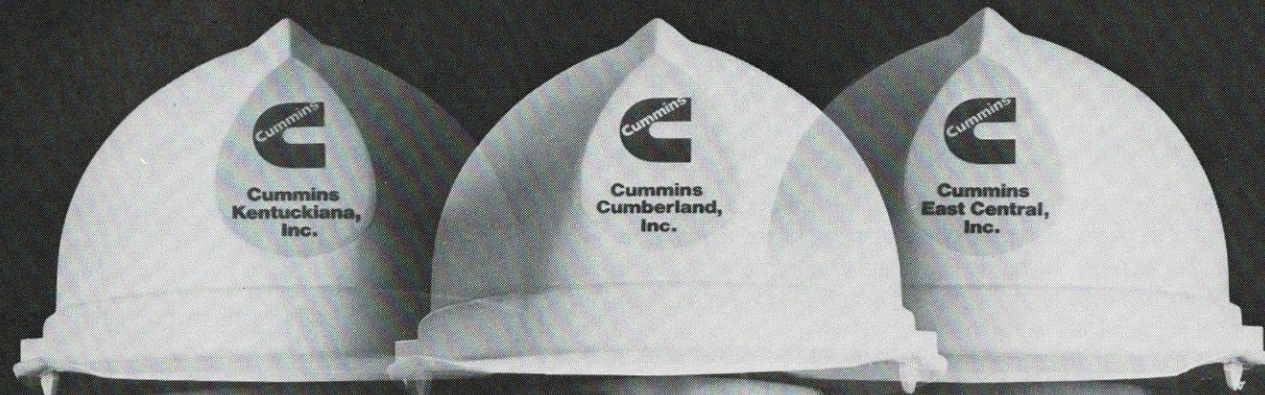
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West Virginia 25303
Phone: (304) 744-6373

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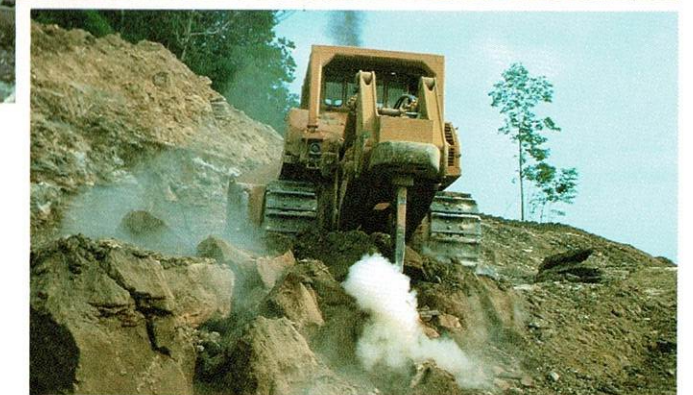


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