

Lack of regulation behind West Virginia water disaster

Nick Barrickman
14 January 2014

A chemical spill discovered last Thursday at the Etowah River Terminal, near Charleston, West Virginia, resulted in nearly 300,000 people in the state losing access to drinkable water. Since then, several reports have been released detailing the decades-long lack of regulation by state or federal agencies of the site responsible.

Since 1991, the facility, owned and operated by Freedom Industries, has not undergone an inspection by a state official, while being permitted to hold and distribute hazardous chemical substances.

According to the *Wall Street Journal*, the West Virginia Division of Homeland Security and Emergency Management received a form from Freedom Industries which identified the chemical 4-methylcyclohexane methanol (MCHM) as a compound with “immediate (acute) hazards,” with authorities apparently doing nothing to make sure the facility holding the substance was properly maintained.

Also speaking to the *Wall Street Journal*, spokeswoman for West Virginia American Water Co. Laura Jordan stated that the Etowah River site had been identified as needing to provide a source water protection plan as early as 2002. The facility, which has changed hands between various operators in the intervening period, remained off-the-grid to various state and federal regulators.

While government officials knew of the facility and did nothing, groups tasked with the prevention of environmental disasters were not alerted to the existence of dangerous chemicals being stored upstream from a major water treatment facility in the Charleston area. Mathew Blackwood, chairman of the Kanawha Putnam Emergency Planning Committee, charged with managing safety plans for environmental disasters, told the *Wall Street Journal* that his agency

did not know the facility existed at all.

Last Thursday, a leak in one of the storage tanks at the Etowah River facility was detected after nearby residents complained of a strong odor coming from the site. The tank had stored roughly 40,000 gallons of MCHM, 28,400 of which were said to have leaked, with another 7,500 gallons having contaminated the nearby Elk River. The contamination has affected the drinking water of nearly 300,000 people in West Virginia.

As of Monday, bans on the usage of water for things other than flushing toilets and firefighting have begun being lifted. Citizens in the state capital, Charleston, are the first permitted to shower, brush teeth and drink water. Authorities plan to gradually lift bans in the nine outlying counties which were affected, provided the levels of MCHM detected remain below one part per million. Still, there is no certainty about when the population of the state will have access to potable drinking water.

In the aftermath of the event, authorities have sought to contain the political fallout from the unregulated chemical facility. The Department of Environmental Protection (DEP) issued a Notice of Violation to Freedom Industries for “statutory air pollution” last Friday. Similarly, over the weekend, the US Chemical Safety Board announced its plan to investigate the facility. West Virginia’s Democratic governor, Earl Ray Tomblin, postured as a critic of Freedom Industries, telling the press, “There are certain reporting things that companies have to do... And I do think we have to look at them to make sure this kind of incident does not happen again,” insinuating that steps would be taken against the company.

In fact, incidents similar to the Elk River spill are common occurrences in the chemical industry. In a

2009 report, the *New York Times* found that companies violated anti-pollution laws almost 500,000 times in the five-year period from 2004-2009. Violations ranging from failure to report emissions to dumping chemicals at concentrations considered dangerous to people.

Three years ago, the US Chemical Safety Board asked the state to create a safety plan to prevent such accidents, after a 2008 explosion at a West Virginia facility owned by agricultural firm Bayer CropScience killed two workers. No plan was ever created. Apparently, the demand was dropped by regulators.

Likewise, deaths of mineworkers in the state are a regular occurrence. In 2010, a ceiling cave-in at the Upper Big Branch mine in Montcoal caused the deaths of 29 miners. At the time, the federal Mine Safety and Health Administration had found Massey Coal, the owner of the site, to have violated 369 statutes, and that the deaths had been “entirely preventable” if not for the behavior of the mine operator.

“West Virginia has a pattern of resisting federal oversight and what they consider EPA [Environmental Protection Agency] interference, and that really puts workers and the population at risk,” said Jennifer Sass, a scientist for the Natural Resources Defense Council and George Washington University lecturer on state environmental policy.

Consecutive federal administrations have sought to undermine the Environmental Protection Agency and other regulatory bodies charged with protecting the health and safety of the population. In 2011, Barack Obama ordered a review of environmental regulations affecting big businesses, producing a package of nearly \$10 billion in proposed cuts to business operating costs. The cuts included numerous concessions to corporate demands for the deregulation of significant portions of the economy.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact