



## The Elk River Spill — Capitalism at its “best”

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On the morning of Thursday, January 9, 2014, 7500 gallons of a coal cleaning chemical known as Crude MCHM (principally composed of 4-methylcyclohexanemethanol) leaked from a storage tank and then from a containment wall at a facility on the banks of the Elk River in West Virginia in Kanawha County.

Labor historians should note that this is an area associated with the famous Paint Creek-Cabin Creek mine conflict that happened just over a 100 years ago, and with the battle of Blair Mountain in 1921. Today, the lack of power by working people and by West Virginia communities continues to allow corporate control to wreak havoc.

The chemical, distinguished by a strong odor of licorice, soon reached the intake of a water treatment plant a mile-and-a-half downstream. By that evening, utility officials were warning the 300,000 residents to not use the contaminated water for drinking, cooking, bathing or cleaning.



Elk River spill disaster in historic labor region

The Centers for Disease Control, faced with a chemical for which there were no reliable toxicity studies, issued a standard that the water was unsafe as long as it was contaminated at levels in excess of one part per million. By the fifth day, levels were beginning to approach that limit. There are, however, no scientifically established health guidelines or regulatory limits for Crude MCHM.

The facility's owner is Freedom Industries, a company founded in 1992 according to state records by Gary Southern and Carl Kennedy. Freedom distributes, among other chemicals, coal processing products known as Talon, manufactured by a business owned by billionaires Charles and David Koch, notorious for their anti-union and anti-environmental activities.

Kennedy has a long criminal history including cocaine dealing — he was part of the drug scandal that ended the political career of a Charleston mayor in the late 1980s — and evasion of taxes on business profits.

Operating under the legal technicality of being merely a storage facility, the Elk River plant is exempt from monitoring by the West Virginia Department of Environmental Protection (DEP). But even if this oversight will be remedied as a result of the spill, DEP is plagued by a history of turning a blind eye to environmental and health issues arising from the coal industry.

To complicate any possibility of future accountability, DEP environmental inspectors recently filed a mass grievance, the second in as many years, because of low pay, a condition the inspectors say hampers staffing and the ability to adequately inspect and enforce existing guidelines for environmental and public health and safety. They also cite DEP's refusal to consider tenure in setting pay for inspectors, effectively discouraging the most experienced workers to go elsewhere for a job.

Critics of the low pay for inspectors, such as the state workers union, UE Local 170, suggest that it is part of the efforts by the political bureaucracy, including DEP management, to obstruct regulation of industries that are the real political power in West Virginia.

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