# ac soot up

## AC – Readable Version in Standard English

### Advantage

#### Self-bonding agreements, where corporations don’t give collateral to mine, enable companies to exploit land and leave without cleaning up the mess they made.

Roberts 16 “As coal companies sink into bankruptcy, who will pay to clean up their old mines?” By David Roberts. Vox. Sep 2, 2016, 1:50pm EDT <https://www.vox.com/2016/9/2/12757074/coal-bankruptcy-mine-cleanup> [covering climate change, clean energy and the politics of both at Vox.com. His work has been featured in The Chicago Tribune, Reuters and The Atlantic and he has made appearances on CNN and the Canadian Broadcasting Corporation. Before moving to Vox in 2015, he wrote for Grist.org on the same subjects for 10 years.] cw//az DOA 10/30/2019

In the case of Peabody and other coal companies, however, there’s another sort of flab, er, liability at issue, for which there is less precedent in bankruptcy court: namely, environmental remediation obligations. Put more simply: **Who’s going to pay to clean up all those old mines**? Coal companies promise to pay for mine cleanup, really and for true **The Surface Mining Control and Reclamation Act of 1977 says that coal companies have to clean up old mines and reverse their environmental damage**, costs which can run to the hundreds of millions. **Before they receive a permit for a new mine**, coal **companies have to prove that they can afford to clean it up**. They do so **by posting a bond. T**hese days, **however**, **coal companies** rarely have to meet this requirement. Instead, they are allowed to "**self-bond**," which amounts to **promising the states they operate in that they can pay for mine cleanups.** This cozy arrangement between coal companies and state regulators is longstanding, but it has come under increased scrutiny lately, as coal **companies** have tried to **use bankruptcy to squirm out of those obligations. Wyoming** just struck a deal with (bankrupt) Arch Coal to "**accept** up to $**75 million in place of** the company’s $**486 million in bonding obligations**." That means if Arch Coal liquidates, Wyoming is first in line to collect at least $75 million in assets. **Who will cover the $411 million in remaining cleanup costs? Taxpayers.** And it’s not an isolated case; there’s a lot of dough at stake. **In addition to the $9 billion in mine cleanup costs already outstanding under the Abandoned Mine Land Program (covering mines abandoned before 1977), "officials estimate that roughly $3.6 billion in self-bond liabilities could fall to taxpayers."** **That would amount to a $3.6 billion subsidy to big coal**, the latest (maybe the last**?) in a century-long tradition of subsidies**. Worries about self-bonding led WildEarth Guardians and other environmental groups to file a petition to the Office of Surface Mining Reclamation and Enforcement (OSMRE) in March, asking the agency to ensure that "companies with a history of financial insolvency are not allowed to self-bond coal mining operations." In August, OSMRE announced that it was beginning the rule-making process for strengthening self-bonding regulations. Separately, it issued a rare policy advisory, counseling states to crack down on the practice. In June, Sens. Maria Cantwell (D-WA) and Dick Durbin (D-IL) introduced the Coal Cleanup Taxpayer Protection Act, which would prohibit self-bonding. The bill won’t go anywhere, Congress being Congress, but it’s a clear sign that **self-bonding has lost its social license.** Which brings us back to Peabody. peabody stock price The sad story of Peabody’s stock price. (Yahoo Finance) Peabody is on the hook for lots of cleanup costs … Peabody has an estimated $1.4 billion in self-bonded cleanup obligations. In July, a federal bankruptcy judge ruled for the first time ever that environmental organizations were parties of interest in the bankruptcy proceeding and could argue that Peabody should fully meet its cleanup obligations. "Per the above decision," writes ClimateNexus, "several organizations filed formal complaints in Wyoming, Illinois and Indiana arguing that states should require Peabody to set aside full funds for reclamation as part of any restructuring plans." **Full funding was not to be had, however. In August, Peabody won court approval for deals with Wyoming, New Mexico, and Indiana in which it put up cash covering 17.5 percent of its self-bonding obligations — $127, $32, and $17 million respectively. If** Peabody goes under (again, completely) and bails on cleanup, who will cover the remaining 72.5 percent of costs? Taxpayers. … but it says, implausibly, that continued self-bonding will work just fine Peabody also submitted its five-year business plan to the Securities and Exchange Commission in August, and received approval from lenders. The plan is important, because for Peabody to argue that it should be able to continue self-bonding any of its environmental obligations, it needs to show that it has a viable plan to emerge from bankruptcy into financial health. Remember, the whole premise of self-bonding is that it’s a special arrangement for companies that have enough cash to cover the costs. According to a new brief from the Institute for Energy Economics and Financial Analysis (IEEFA), however, Peabody’s five-year plan is "not credible." First, the company’s production projections are optimistic to the point of delusion. It says that the US coal industry overall will increase production by 20 to 25 million tons annually between 2016 and 2021 (despite the fact that demand has been declining). Yet during the same period, it projects that annual production at its own Powder River Basin (PRB) mines will increase by 31 million tons, from 100 million to 131 million. Somehow, then, the rest of the industry is going to continue losing customers and scaling down while Peabody flourishes, responsible for all net new coal production in the next five years, and more. That is … dubious. coal production revenue by type Those numbers look awfully negative. (RHG) Second, the company acknowledges that its per-ton revenues from PRB coal will decline by 8 percent over the next five years, but says it will maintain its current profit margins through (wait for it) cost-cutting. Historically, though, costs have been rising. And the estimate Peabody uses for the price of oil (diesel oil is a big part of its costs) is far below more credible projections from EIA and World Bank. The cost-cutting numbers verge on magical thinking. Third, it overstates its assets, claiming 6.3 billion tons in "proved and probable" reserves, though extracting anything close to that is highly unlikely given its thin margins, declining per-ton revenue, and overly bullish cost-cutting projections. To its environmentalist critics, who question whether putting up cash to cover 17.5 percent of its cleanup obligations is sufficient given the company’s, ahem, "history of financial insolvency," Peabody responded, in effect, tough shit. The states in question offered the company sweetheart deals, and it’s not within OSMRE’s jurisdiction to overturn them. **Given OSMRE’s recent rule-making, however, that seems at least an open question. Taxpayers may get screwed by Big Coal one last time as it exits stage left** What if, as is entirely plausible, Peabody emerges from bankruptcy, crashes up against a terrible market, and goes bankrupt again? (Patriot Coal is currently emerging from its second bankruptcy.) What happens to its cleanup obligations in that case? I asked Tom Sanzillo, **IEEFA’s Director of Finance and author of the brief. Legally speaking, he said, "it is a vagary." There isn’t much precedent to go on. Hmm. Okay then, putting aside the company’s own inflated projections, what would it take for Peabody to regain its financial health, such that it could be trusted to meet those obligations? "They would have to close several of their mines" and consolidate, effectively becoming a much smaller company**, Sanzillo said. "Absent that, there’s no chance. Even if that occurs, it may not work." **There are simply "too many companies," he said, "selling too much coal to too few customers**." Peabody doesn’t want to sell its mines, though, and even if it did it would have trouble finding buyers. (Despite what it says in its rose-colored business plan, those mines aren’t worth much.) It doesn’t just want to close them down, either, since that means acknowledging grim market conditions, spooking investors, and triggering cleanup costs. So instead, the company is whistling past the graveyard, issuing starry-eyed business plans and paying its executives big bonuses. **And given the latitude bankruptcy judges have shown coal companies so far, there’s a good chance the court won’t stop it.**

#### Towns like Flint, Michigan are everywhere when abandoned mines poison water supplies – having a consistent source of funding is key.

Brown 2/20 50M gallons of polluted water pours daily from US mine sites By MATTHEW BROWN February 20, 2019 <https://www.apnews.com/8158167fd9ab4cd8966e47a6dd6cbe96> cw//az DOA 10/30/2019

RIMINI, Mont. (AP) — Every day many **millions of gallons of water loaded with arsenic, lead and other toxic metals flow from** some of the most **contaminated mining sites** in the U.S. and **into surrounding streams and ponds without being treated,** The Associated Press has found. That torrent is **poisoning aquatic life and tainting water supplies in Montana, California, Colorado, Oklahoma and at least five other states.** The pollution is a legacy of how the mining industry was allowed to operate in the U.S. for more than a century. **Companies that built mines** for silver, lead, gold and other “hardrock” minerals could **move on once they were no longer profitable**, **leaving** behind **tainted water that still leaks out of the mines** or is cleaned up at taxpayer expense. Using data from public records requests and independent researchers, the AP examined 43 mining sites under federal oversight, some containing dozens or even **hundreds of individual mines.** The records show that at average flows, more than **50 million gallons** (189 million liters) of contaminated wastewater streams daily from the sites. In many cases, it runs untreated into nearby groundwater, rivers and ponds — a roughly **20-million-gallon** (76-million-liter) **daily dose of pollution that could fill more than 2,000 tanker trucks. The remainder of the waste** is captured or treated in a costly effort that will need to **carry on indefinitely, for perhaps thousands of years,** often **with little hope for reimbursement**. The volumes vastly exceed the release from Colorado’s **Gold King Mine** disaster in 2015, when a U.S. Environmental Protection Agency cleanup crew inadvertently triggered the **release** of 3 million gallons (**11.4 million liters) of** mustard-colored mine **sludge**, **fouling rivers in three states**. At many mines, the pollution has continued decades after their enlistment in the federal **Superfund** **cleanup** program for the nation’s most hazardous sites, which **faces** **sharp cuts under** President Donald **Trump**. **Federal officials have raised fears that at least six of the sites examined by AP could have blowouts like the one at Gold King.** Some sites feature massive piles or impoundments of mine waste known as **tailings**. A tailings dam **collapse** in Brazil last month **killed** at least **169** people and left **140 missing.** A similar 2014 accident in British Columbia swept millions of cubic yards of contaminated mud into a nearby lake, **resulting in** one of Canada’s **worst** environmental **disasters**. But even short of a calamitous accident, many mines pose the chronic problem of relentless pollution. **AP also found mining sites where untreated water harms the environment or threatens drinking water supplies in North and South Carolina, Vermont, Missouri and Oregon.** TAINTED WELLS In mountains outside the Montana capital of Helena, about 30 **households can’t drink their tap water because groundwater was polluted by about 150 abandoned gold, lead and copper mines that operated from the 1870s until 1953.** The community of Rimini was added to the Superfund list in 1999. Contaminated soil in residents’ yards was replaced, and the EPA has provided bottled water for a decade. But polluted water still pours from the mines and into Upper Tenmile Creek. “The fact that bottled water is provided is great,” said 30-year Rimini resident Catherine Maynard, a natural resources analyst for the U.S. Department of Agriculture. “Where it falls short is it’s not piped into our home. Water that’s piped into our home is still contaminated water. Washing dishes and bathing — that metal-laden water is still running through our pipes.” **Estimates of the number of such abandoned mine sites range from 161,000 in 12 western states to as many as 500,000 nationwide. At least 33,000 have degraded the environment, according to the Government Accountability Office, and thousands more are discovered every year. Officials have yet to complete work including basic risk analy[z]**~~s~~**es on about 80 percent of abandoned mining sites on federal lands. Most are controlled by the Bureau of Land Management, which under Trump is seeking to consolidate mine cleanups with another program and cut their combined 2019 spending from $35 million to $13 million.** The La Plata County Sheriff's Office, takes a water sample from the Animas River near Durango, Colo. on Aug. 6, 2015. (Jerry McBride/The Durango Herald via AP, File) PERPETUAL POLLUTION Problems at some sites are intractable. Among them: — In eastern Oklahoma’s Tar Creek mining district, **waterways are devoid of life and elevated lead levels persist in the blood of children despite a two-decade effort to clean up lead and zinc mines. More than $300 million has been committed since 1983, but only a small fraction of the impacted land has been reclaimed and contaminated water continues to flow.** — At northern California’s Iron Mountain Mine, **cleanup teams battle to contain highly acidic water that percolates through a former copper and zinc mine and drains into a Sacramento River tributary. The mine discharged six tons of toxic sludge daily before an EPA cleanup. Authorities now spend $5 million a year to remove poisonous sludge that had caused massive fish kills, and they expect to keep at it** **forever**. MINE SITE CONTAMINANTS AP Graphic/Phil Holm — In Colorado’s San Juan Mountains, site of the Gold King blowout, some **400 abandoned or inactive mine sites contribute an estimated 15 million gallons (57 million liters) of acid mine drainage per day**. **AP also found mining sites where untreated water harms the environment or threatens drinking water supplies in North and South Carolina, Vermont, Missouri and Oregon.** This landscape of polluted sites occurred under mining industry rules largely unchanged since the 1872 Mining Act. State and federal laws in recent decades have held companies more accountable than in the past, but critics say huge loopholes all but ensure that some of today’s mines will foul waterways or require perpetual cleanups. To avoid a catastrophe like Gold King, EPA officials now require advance approval for work on many mining sites. But they acknowledge they’re only dealing with a small portion of the problem. “We have been trying to play a very careful game of prioritization,” said Dana Stalcup, deputy director of the Superfund program. “We know the Superfund program is not the answer to the hundreds of thousands of mines out there, but the mines we are working on we want to do them the best we can.” The 43 sites examined by AP are mining locations for which officials and researchers have reliable estimates of polluted water releases. Officials said flow rates at the sites vary. Average flows were unavailable for nine sites that only had high and low estimates of how much polluted water flowed out. For those sites, the AP used the lower estimates for its analysis. QUESTIONS OVER WHO SHOULD PAY To date, the EPA has spent an estimated $4 billion on mining cleanups. Under Trump, the agency has identified a small number of Superfund sites for heightened attention after cleanup efforts stalled or dragged on for years. They include five mining sites examined by AP. Former EPA assistant administrator Mathy Stanislaus said more **money is needed to address mining pollution on a systematic basis, rather than jumping from one emergency response to another.** “The **piecemeal approach is just not working**,” said Stanislaus, who oversaw the Superfund program for almost eight years ending in 2017. Democrats have sought unsuccessfully to create a special cleanup fund for old hardrock mine sites, with fees paid by the mining industry. Such a fund has been in place for coal mines since 1977, with more than $11 billion in fees collected and hundreds of sites reclaimed. The mining industry has resisted doing the same for hardrock mines, and Republicans in Congress have blocked the Democratic proposals. Montana Mining Association director Tammy Johnson acknowledged abandoned mines have left a legacy of pollution, but added that companies still in operation should not be forced to pay for those problems. “Back in the day there really wasn’t a lot known about acid mine drainage,” she said. “I just don’t think that today’s companies bear the responsibility.” In 2017, **the EPA proposed requiring companies still operating mines to post cleanup bonds or offer other financial assurances so taxpayers don’t end up footing cleanup bills. The Trump administration halted the rule** , but environmental groups are scheduled to appear in federal court next month in a lawsuit that seeks to revive it. “When something gets on a Superfund site, that doesn’t mean it instantly and magically gets cleaned up,” said Earthjustice attorney Amanda Goodin. “**Having money immediately available from a responsible party would be a game changer.”**

#### Only a complete elimination solves – financial reforms are misrepresented and fluctuate.

Cohn 18 Dan Cohn. “Now is the time to **end self-bonding**: Why **Congress and states should act now to strengthen coal mine reclamation bonds**.” April 2018. Western Organization of Resource Councils [WORC is a regional network of grassroots community organizations that include 15,190 members and 39 local chapters. WORC’s network includes: Dakota Resource Council (North Dakota); Dakota Rural Action (South Dakota); Idaho Organization of Resource Councils; Northern Plains Resource Council (Montana); Oregon Rural Action; Powder River Basin Resource Council (Wyoming); Western Colorado Congress and Western Native Voice (Montana). WORC’s mission is to advance the vision of a democratic, sustainable, and just society through community action. WORC is committed to building sustainable environmental and economic communities that balance economic growth with the health of people and stewardship of their land, air, and water.] cw//az

The purpose of reclamation bonds is to maintain a stable store of value that will be accessible to state regulators should a coal mine operator abandon a mine. Reclamation bonding was written into SMCRA in order to avoid replicating the situation of the country’s early coalfields: that of **abandoned mine** lands that continued to **damage the environment and pose health and safety hazards to residents** of the coalfields for decades, centuries or, in some cases, **in perpetuity.** Self-bonding fails to meet these requirements on many fronts. Self-bonds fail at the moment when reclamation bonds are most needed. **Eligibility for self- bonds are related to company valuations, which change over time, sometimes rapidly. The purposes of reclamation bonding require stable, long-term stores of value that are readily liquid in the event of bond forfeiture. Self-bonds are neither readily liquid nor stable, long-term stores of value. They become worthless when a coal company is in financial distress or has abandoned its mine, which is precisely the moment when a secure reclamation bond is most needed. Eligibility** for self-bonding **is determined using inadequate standards.** Coal companies may qualify to self-bond based on (i) their credit rating from Moody’s or Standard & Poors or (ii) certain corporate financial ratios. Although credit ratings may be sometimes influenced by lobbying from the rated company, the **mechanical use of** the **financial ratios in** question **is particularly inappropriate** in this case. Federal rules outline two ratios: total liabilities to net worth must be 2.5 or less, and current assets to current liabilities must be 1.2 or greater. These ratios take a stab at characterizing a company’s scale of liabilities and its ability to continue meeting its financial commitments. Although liabilities tend to be fairly easy to quantify, accounting rules allow some **liabilities** to be **recorded “off balance sheet,” resulting in their being hidden from some analyses.** More important, accounting rules result in asset valuations being **not typically adjusted for adverse market conditions. This makes net worth**—a comparison of assets to liabilities—a **useless measure of creditworthiness when the bottom is falling out of an industry.** **It’s difficult to determine at what price a tract of coal, land, or a coal mine should be valued, because mines are not regularly bought and sold.** Yet companies must assign a dollar value to coal, mines, and land for company accounting to function. These asset valuations are frequently little more than hypothetical. Consider that **Peabody** Energy **slashed** its **estimation** of its land and coal interests by **63%,** from $10.3 billion down to $3.8 billion, as a result of “fresh start accounting” following its emergence from bankruptcy, and took a separate $2.2 billion write-down of its buildings and machinery.11 The new figures reflect the value of Peabody’s portfolio in today’s shrunken market for coal, **but were not used in Peabody’s pre-bankruptcy accounting or self-bond applications. Th**e same adverse economic conditions are reflected in the rare instances in which land and coal interests in the Powder River Basin have been recently sold: **mines have sold for bargain-basement prices, or for no cash at all**.12 Although the coal industry’s downturn has revealed that **asset values are often arbitrary and unconnected to present economic conditions, federal self- bonding rules accept them** blindly **as the basis to determine eligibility for self-bonding**. A reliable evaluation of a company’s creditworthiness for self-bonding should involve a comprehensive analysis of a company’s ability to meet its financial commitments. The credit ratings industry already performs this analysis, and, indeed, a coal company may qualify for self-bonding using such ratings. These analyses often consider an alternative set of financial ratios dictated by a coal company’s agreements with its creditors, which often compare expenses and debt loads to earnings rather than asset values. In short, self- bonding eligibility criteria measure the wrong ratios. **Because they shed little light on the creditworthiness of a self-bond guarantor, it is inappropriate to rely on them as indicators of the value of self bonds.**Some companies have made use of a “subsidiary loophole.” Current rules governing eligibility for self-bonds do not require regulators to consider the financial stability or turmoil of an ultimate parent entity – the entity at the top of the corporate family tree. Instead, coal companies may submit the financial statements of a “mid-stream” subsidiary, even one that is pledged as collateral for the debt of its ultimate parent entity. Self-bonds may be approved based on the misleading financial information of this mid-stream subsidiary. This is the primary reason Arch Coal and Peabody Energy were able to maintain self-bonds into bankruptcy.Allowing financially **unstable companies** to **self-bond defeats** the entire purpose of reclamation **bonding.** Federal regulations allow **self-bonds** to be **guaranteed by** a mine operator, a **parent entity (**known as a “corporate guarantee”) or a non-parent entity (“non- parent corporate guarantee”). This has allowed wholly-owned **mid-stream subsidiaries** of major coal mining companies (such as “Arch Western Resources” or “Peabody Investments Corporation”) to **serve** as self-bond guarantors **even where** the ultimate **parent** entity (Arch Coal, Inc., and Peabody Energy Corporation, respectively**) did not qualify for self-**bonding. In essence, current self-bonding rules allow **shell companies to guarantee** self-bonds.13 Peabody’s and Arch’s mid-stream subsidiaries that guaranteed self-bonds were not financially solvent on an independent basis from their respective ultimate parent entities. The mid-stream subsidiaries filed bankruptcy simultaneously with their ultimate parent entities. The reason was that the mid-stream subsidiaries were pledged as collateral for the ultimate parent entity’s corporate debt, an arrangement known as an “upstream guarantee.” Without simultaneous filings for bankruptcy protection, creditors could complicate bankruptcy proceedings by laying claim to the mid-stream subsidiaries outside of bankruptcy court. **Regulators face a dilemma when forcing the replacement of self-bonds. Federal and state rules allow regulators to require self-bond replacement, often over a period of 90 days, if a company ceases to be eligible for self-bonding. The act of replacing self-bonds forces a company to commit its dwindling liquidity as collateral for new bond instruments, and struggling companies may not be able to secure replacement bonds on affordable terms. This means that by the time a company is no longer eligible for self-bonding, it may be too late to replace the self-bonds with effective financial guarantees.Hence, the regulator’s dilemma: self-bonds must be replaced when there is danger that a company is headed toward insolvency, but self-bond replacement will hasten the insolvenc**y.14 In fact, Alpha Natural Resources cited the moves by Wyoming and West Virginia regulators to replace its self-bonds when filing for bankruptcy.15 **Companies were not meant to carry self-bonds into bankruptcy, but those that do have significant leverage when negotiating with regulators over future reclamation bonding**. Alpha Natural Resources entered bankruptcy with over $655 million in self-bonds ($411 million in Wyoming), while Arch Coal and Peabody Energy entered bankruptcy with $486 million and $1.2 billion of self-bonding, respectively. Federal and state laws prohibit coal mining where sufficient reclamation bonds are not in place, but each of these companies was able to continue mining through bankruptcy reorganization with inadequate bonds by leaning on the threat of liquidation. In a liquidation, the entire costs of unfunded cleanup would be transferred to state and federal taxpayers. This served as leverage for the companies to strike deals with regulators that allowed them to continue **mining during bankruptcy** without substantially replacing self-bonds. It was only at the end of each bankruptcy proceeding that Alpha, Arch, and Peabody were forced to agree to replace their self-bonds. How could **self-bonding** be **end**ed? Self-bonding is authorized in statute under SMCRA but no state is required to allow it. 30 U.S.C. § 1259(c) states: (c) Bond of applicant without separate surety; alternate system The regulatory authority may (emphasis added) accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the regulatory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount or in lieu of the establishment of a bonding program, as set forth in this section, the Secretary may approve as part of a State or Federal program an alternative system that will achieve the objectives and purposes of the bonding program pursuant to this section. Until SMCRA is amended to remove any authorization for self-bonding, the practice will have a legal basis in federal law. However, **state regulators with primacy to implement SMCRA** **may** tighten eligibility criteria for self-bonding or even **prohibit self-bonding** outright in their state. Several states, including **Montana, have done so. Due to the flaws inherent in self-bonding, it is not a reliable instrument to guarantee coal mine reclamation. Although no bonding instrument is risk-free, the fatal flaws in self-bonding should proscribe its future use.** The most recent wave of bankruptcies within the coal sector should serve as a warning to current and future regulators. The ongoing structural decline of the coal industry has increased the chance that future bankruptcies will result in liquidation of self-bonded companies. In a liquidation, coal mine regulators would be forced to “forfeit,” or cash in, self-bonds. Needless to say, this would leave coal mine regulators without sufficient funds to complete reclamation. Had Alpha, Arch, or Peabody liquidated rather than reorganized during bankruptcy, the public would have been left to pick up the bill of over $2,300,000,000. It is a major victory for taxpayers and the public purse to have forced that $2.3 billion in self-bonds to be replaced through their bankruptcy proceedings. In light of this close call, **efforts to end** or reform **self-bonding should proceed apace.** • To protect coalfield communities from the threat of abandoned reclamation, self**-bonding should be prohibited by a change to federal statute. S**uch legislation has been introduced in the current session of Congress as S. 800, the “Coal Cleanup Taxpayer Protection Act,” sponsored by Sen. Maria Cantwell (D-WA). 16 • **Federal regulators at the Office of Surface Mining Reclamation and Enforcement should expedite the rulemaking entitled, “Ensuring That Companies With a History of Financial Insolvency, and Their Subsidiary Companies, Are Not Allowed to Self-Bond Coal Mining Operations**,” and should propose and finalize new rules that strictly limit eligibility for self-bonding.17 • The Office of Surface Mining Reclamation and Enforcement should reinstate its “Poli- cy Advisory” on self-bonding, signed Aug. 5, 2016, and rescinded Oct. 12, 2017. • **States should move forward with rulemaking and policy to end the use of self-bond- ing within their jurisdiction.**

#### Reclamation is effective and flexible for purposes around the world-- even coal companies admit.

Hayes ’15 30th Dec 2015 By Jason Hayes, Associate Director, American Coal Council “Returning Mined Land to Productivity Through Reclamation.” First published in Cornerstone, Volume 3, Issue 4 https://www.worldcoal.org/returning-mined-land-productivity-through-reclamation cw//az DOA 10/30/19

**Each coal mine has a limited life span due to the finite nature of the resource** being extracted. Eventually the resource is exhausted, or **the point is reached at which it is no longer profitable to extract for any number of reasons, such as increasing mine depth**, increasing strip ratios, changing regulations, or market pressures. **When** extractive **activities cease, restoration processes** must be **completed**, although they normally begin far sooner. In fact, reclamation processes typically begin while active mining is still occurring in another area of a mine. Thus, **mining and restoration can be completed continuously** and progressively throughout the life of a mine. The **costs** associated with these restoration activities **can be substantial:** One estimate suggests **US$1.5 million per mine,** although varied mine sizes, regulatory regimes, or the presence of legacy reclamation costs could result in wide fluctuations in cost. Today, in many parts of the world, reclamation and restoration plans must be prepared prior to mining. An improved understanding of the potential impacts of industrial activities, societal attitudes toward mining, increasingly stringent regulatory regimes, and dynamic market conditions now typically require companies to state clearly how their operating area will be restored before mining can begin. There are various approaches to reclamation, and collaborative efforts between industry and government can help to improve mine management and reclamation processes. Thus, best practices and select case studies are worth exploring to highlight examples of successful mine closure and remediation. The process of reclamation Reclamation can be roughly defined as the replacement of soil materials—often to approximate original contour—and revegetation of mined areas or areas adjacent to mines that have been affected by mining activities. An alternative definition, offered by the International Energy Agency’s Clean Coal Centre, is “the process of repairing any negative effects of mining activities on the environment”. Reclamation activities sometimes can also employ passive means of ecosystem restoration—wherein a less intensive management approach is taken and, for example, flora and fauna are allowed to self-colonize after soil replacement and stabilization are completed. However, the vast majority of contemporary reclamation and restoration efforts are based on technical reclamation, which exceeds simply repairing the affected property. Technical reclamation activities often aim to proactively manage a mined area for specific natural or recreational value, or other human uses, which can include infrastructure needs such as airports, schools, or shopping centres. Reclamation activities can also target agricultural or silvicultural (i.e., forestry) objectives. Plans to return mined areas to a more natural state, focusing on soil, vegetative, wildlife, and/or water management values, can also play a large role in guiding reclamation activities. Both underground and opencast mines require reclamation, but the approaches are different. Reclamation activities for underground mines will typically require less above ground activity, but can necessitate extensive management to avoid drainage and flooding issues after mine closure. **This management can involve techniques such as filling of excavated areas with mine spoil or fly ash and diverting or controlling the flow of groundwater to keep it from entering existing mine structures. Doing so avoids the risk of rising water becoming contaminat[ion]ed by dissolved metals and other substances and potentially being discharged into rivers and streams. Notably, higher levels of calcite or carbonates in the rock, however, may neutralize acidic mine water, allowing metals to stay immobile. Reclamation of opencast mines typically involves replacement of overburden that was removed or repositioned to access buried coal layers. When excavated areas are built up, re-landscaping or recontouring is completed along with drainage control measures. Recontouring will be guided by mine plan objectives (i.e., the intended end use for the land). Where natural processes are sought, recontouring will typically attempt to return landforms to the mine site’s approximate original contour, or to mimic natural contours. Where other human uses are planned for, the land will often be leveled or shaped in a manner that improves access or aids in future infrastructure development.** Ensuring best practices on reclamation **The time frame extending from exploration to post-reclamation and closure requires decades. In many cases, reclamation processes—which can include the mine closure and decommissioning stage, as well as the post-closure stage—can require as long as, or even longer than, the combined previous stages of exploration, site construction, and mining. Even with mining plans in place, mining can substantially affect local or regional environments. Proper reclamation of mine sites, however, can avoid many risks, including unstable spoil piles, acid drainage and water quality issues, and potential cave-ins. Best practice reclamation activities are designed to limit or avoid these impacts to the greatest degree possible.** Although fully listing the legislative, regulatory, or best practices standards governing global mine reclamation is outside the scope of this article, a few prominent examples are worth highlighting. For example, general requirements for the approval of mining permits could resemble the conservation practice standards published by the Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA). NRCS describes a threefold purpose for land reclamation: Prevent negative impacts to soil, water, and air resources in and near mined areas Restore the quality of soils to their pre-mining level Maintain or improve landscape visual and functional quality Australia’s Department of Industry Tourism and Resources gives similar guidance for land reclamation, but also encourages consultation, reporting, and monitoring with stakeholders during mine plan development and mining activities. Companies are also urged to rehabilitate progressively through the full life cycle of the mine and, where possible, to manage and rehabilitate historical disturbances. Expanded regulatory oversight combined with a trend toward a lesser number of larger, mechanized mining operations that are governed by binding mining plans are decreasing concerns about unregulated or unmonitored activities. Righting the past Employing best practices during contemporary mine reclamation helps to avoid the challenges associated with mines that were not properly reclaimed in the past. The varied nature of reporting measures and regulatory regimes governing mine management worldwide are compounded by the fact that many private or unregulated mines have been created, especially in developing nations where regulatory oversight may not yet be as thorough. Thus, it is difficult—if not impossible—to get a full count of the number of abandoned coal mines worldwide. The legacy of abandoned mines, however, is being addressed in many areas. For example, since the passage of the 1977 Surface Mining Control and Reclamation Act (SMCRA) in the U.S., direct fees have been collected by government agencies from existing coal mining companies. **Various states and Native American tribes have used over US$4.06 billion of those funds to reclaim almost “240,000 acres of hazardous high-priority coal-related problems”**. As described by the UK Environment Agency (2008), six similar programs are being carried out across the UK and internationally. Reclamation collaboration Collaborative efforts between mining companies and conservation organizations can promote successful mine reclamation as these organizations can lend expertise in developing best practices for wildlife, water, plant, and/or soil management. Demonstrating a transparent working relationship with conservation groups and other stakeholders can also help regulatory agencies when reviewing permit applications. If these agencies observe widespread support for mine plans and objectives and are convinced the area will be properly reclaimed and managed in the post-mining stages, permit approvals can likely be obtained much more easily. One example of a collaborative effort is the U.S.-based Appalachian Wildlife Foundation’s Mine Land Stewardship Initiative (MLSI), which enables industry to pair with conservation organizations to move ahead in a challenging regulatory environment. The MLSI is working to design voluntary reclamation standards that “elevate the overall ecological performance of the coal industry” and help to enhance: Conservation and restoration of ecosystem services Conservation and restoration of wildlife habitat Protection of water quality Recreational opportunities for mining communities Scientific and technical knowledge needed to protect and restore wildlife and aquatic habitats on mine lands Efforts like the MLSI are a positive and proactive approach to reduce confusion and litigation, increase stakeholder involvement and buy-in, improve transparency, and ensure the highest standard of reclamation is carried out. **Bonding and financial assurance Even with proactive management efforts like the MLSI, reclamation can be an expensive endeavour. As the mine will not continue producing saleable material, no additional income will be brought in after operations cease. Therefore, most regulatory agencies require some form of a financial safety net, or bonding, to ensure sufficient funds are available for reclamation even if a bankruptcy occurs. In this manner, company insolvency or an abandoned mine will [to] not impose mine closure and reclamation costs on taxpayers**. While having adequate funds for reclamation is clearly important, public policy must recognize that environmental protection, reclamation in this case, must be balanced with financial realities to avoid stifling economic activity and to allow mining companies to operate profitably. The International Council on Mining and Metals (ICMM) has reported that expectations from an increasingly risk-averse public and government have been forcing assurance costs higher. The ICMM described how, in 1998, a mining company based in Australia had “identified more than 1,056 financial assurance instruments in place in four countries, which represents a contingent liability of greater than AUD$20 million. By 2004 the comparative amount had risen to AUD$60 million". ICMM expressed concern that setting aside growing levels of operating funds in bonds restricts investment and operational flexibility. In fact, increasingly conservative expectations of certainty relating to environmental protection could place such strict financial and administrative pressures on mining companies that mining projects could be cancelled as uneconomic. Case study Numerous mines around the world are demonstrating successful reclamation projects. One such project is Coal-Mac Mining’s Phoenix #2 surface mine in West Virginia, U.S. The Phoenix #2 mine was the recipient of the U.S. Office of Surface Mining’s 2010 Excellence in Reforestation Award for almost a decade’s worth of reclamation efforts and implementation of the Appalachian Regional Reforestation Initiative’s (ARRI) Forest Reclamation Approach (FRA). ARRI is a working group comprised of citizen representatives, industry, academia, and government, and was formed to encourage planting of productive trees on reclaimed coal mine lands and abandoned mine lands. FRA is a means by which mining companies and forest managers can improve forest productivity, wildlife habitat, floral diversity, and water management on reclaimed mine lands. **The FRA is made up of five steps: Create a suitable rooting medium for good tree growth that is no less than four feet deep and comprised of topsoil, weathered sandstone, and/or the best available material. Loosely grade the topsoil or topsoil substitutes established in step one to create a non-compacted growth medium. Use ground covers that are compatible with growing trees. Plant two types of trees: (a) early succession species for wildlife and soil stability and (b) commercially valuable crop trees** Use proper tree planting techniques Phoenix #2 mine is a 560-acre (227-ha) operation, originally permitted in January 2001 under the approximate original contour (AOC)-plus backfill guidelines. Under these guidelines, final backfill elevations were established to mimic the natural terrain of West Virginia, avoid soil compaction, and enhance post-mine land use. Conclusions Finite resources entail a finite mining life cycle. As coal reserves in a mine are removed or become uneconomical to continue mining, reclamation activities will replace removed soil and/or substrate materials and revegetate the mine in an effort to (1) return it to as close to natural state as possible or (2) redesign landforms to allow improved human access to, or use of, an area. **Key objectives in reclamation activities are to reduce potential damage and prevent negative impacts to the natural environment in and near mined areas, to restore the viability and growing potential of soils to their pre-mining level, and to maintain or improve landscape visual and functional quality. Reviewing effective examples of mine reclamation from around the globe, such as those profiled in this issue, allows the extractive industry to develop a suite of best practices for successfully reclaiming mined areas. These properly reclaimed mines can provide essential lessons on technology, policy, and collaboration and serve as the gold standard for mine reclamation efforts.**

### Plan

#### Advocacy text: Resolved: The United States federal government and relevant subfederal actors ought to eliminate self-bonding fossil fuel subsidies. Neg should check all interps in cross-ex, there’s infinite violations with bidirectional interps. If you want, I’ll defend the mechanisms of H.R. 4364, the Bonding Reform and Taxpayer Protection Act.

GAO ’18 COAL MINE RECLAMATION Federal and State Agencies Face Challenges in Managing Billions in Financial Assurances March 2018. United States Government Accountability Office Report to Congressional Requesters. https://www.gao.gov/assets/700/690476.pdf cw//az Accessed 10/28/19

Matter for Congressional Consideration Congress should consider amending SMCRA to **eliminate the use of self- bonding as** a type of financial **assurance for coal mine reclamation**. (Matter for Consideration 1)

#### It’s topical.

Redman et al 17 Janet Redman et al 17 ~Janet Redman "Dirty Energy Dominance: Dependent on Denial," No Publication, http://priceofoil.org/content/uploads/2017/10/OCI'US-Fossil-Fuel-Subs-2015-16'Final'Oct2017.pdf, accessed 11-4-2019

**FEDERAL SUBSIDY HIGHLIGHTS** COAL COMPANY BAILOUTS As coal continues to decline due to competition from cheaper energy sources, and coal companies become insolvent, taxpayers are increasingly covering the costs of industry’s obligations to communities and workers.54 Examples of these subsidies **include**: Y Inadequate industry fees recouped to cover the Abandoned Mine Land Grant Fund ($400 million): tax dollars transferred from the U.S. Treasury to cover the administration of the fund and shortfalls in payments to states and mineworker pensions resulting from inadequate fees collected from active coal mine operators.55 This fund has an important role to play in remediating ecological and worker impacts of mining, but should be funded by the industry responsible, not taxpayers. Y Inadequate industry support to cover worker health impacts: ($330 million): contribution from the Treasury covering shortfalls and administration of the Black Lung Disability Trust Fund, which provides income support and medical care to workers who are too sick from black lung to perform their previous coal mine work.56 This support for workers is critical, and this program must remain, but industry should pay for it. SUBSIDIZING POLLUTION **Allowing fossil fuel companies to use deductions and accounting tricks to lower** their **clean-up and liability costs**, and **exempting some** activities **from payment altogether, incentivizes risky and polluting behavior**. Trump’s executive order to expand offshore oil and gas drilling to new parts of the outer continental shelf, which includes a call for reconsidering controls to prevent well blowouts, has watchdogs like the bipartisan National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling worried that more pollution, coupled with more clean-up costs to the public, could be on their way.57 **Subsidies that force taxpayers foot the bill** for industry’s mess **include**: Y Deduction for oil spill penalty costs ($334 million): in cases of large legal settlements for pollution violations – like the $20.8 billion settlement BP reached with the U.S. government over its 2010 oil spill disaster – the government often fails to make such payments non- deductible. In this way, companies can claim a massive tax write-off as a reward for their wrongdoing.58 Y Tar sands exemption from payments into the Oil Spill Liability Trust Fund ($47 million): tar sands producers are currently exempt from paying the 8 cents per barrel tax into the fund, which is meant to provide financial resources for oil spill clean-up.59 Furthermore, coal companies are frequently **not required to hold adequate bonding to cover mine reclamation costs, adding another layer of subsidy. In the Powder River Basin, insufficient bonding resulted in a $282 million annual industry giveaway.60**

### Framing

#### The standard is maximizing pleasure and minimizing pain

#### Prefer –

#### [1] Physicalism is true and is a side constraint on ethics.

Papineau 8, David, "Naturalism", The Stanford Encyclopedia of Philosophy (Spring 2009 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2009/entries/naturalism/>.

In the middle of the nineteenth century the conservation of kinetic plus potential energy came to be accepted as a basic principle of physics (Elkana 1974). In itself this does not rule out distinct mental or vital forces, for there is no reason why such forces should not be ‘conservative’, operating in such a way as to compensate losses of kinetic energy by gains in potential energy and vice versa. (The term ‘nervous energy’ is a relic of the widespread late nineteenth-century assumption that mental processes store up a species of potential energy that is then released in action.) However, theconservation of energy does imply that any such special forces must be governed by strict deterministic laws: if mental or vital forces arose spontaneously, then there would be nothing to ensure that they never led to energy increases. During the course of the twentieth century received scientific opinion became even more restrictive about possible causes of physical effects, and came to reject sui generis mental or vital causes, even of a law-governed and predictable kind. Detailed physiological **research, especially into nerve cells, gave no indication of any physical effects that cannot be explained in terms of basic physical forces** that also occur outside living bodies. By the middle of the twentieth century, belief in sui generis mental or vital forces had become a minority view. This led to the widespread acceptance of the doctrine now known as the ‘**causal closure’** or the ‘causal completeness’ of the physical realm, according to which all physical effects can be accounted for by basic **physical causes** (where ‘physical’ can be understood as referring to some list of fundamental forces) non-physical causes of physical effects. As a result, the default philosophical view was a non-naturalist interactive pluralism which recognized a wide range of such non-physical influences, including spontaneous mental influences (or ‘determinations of the soul’ as they would then have been called). The nineteenth-century discovery of the conservation of energy continued to allow that sui generis non-physical forces can interact with the physical world, but required that they be governed by strict force laws. This gave rise to an initial wave of naturalist doctrines around the beginning of the twentieth century. Sui generis mental forces were still widely accepted, but an extensive philosophical debate about the significance of the conservation of energy led to a widespread recognition that any such mental forces would need to be law-governed and thus amenable to scientific investigation along with more familiar physical forces.[5] By the middle of the twentieth century, the acceptance of the casual closure of the physical realm led to even stronger naturalist views. The causal closure thesis implies that any mental and biological causes must themselves be physically constituted, if they are to produce physical effects.It thus gives rise to a particularly strong form ofontological naturalism, namely the physicalist doctrine that any state that has physical effects must itself be physical. From the 1950s onwards, philosophers began to formulate arguments for ontological physicalism. Some of these arguments appealed explicitly to the causal closure of the physical realm (Feigl 1958, Oppenheim and Putnam 1958). In other cases, the reliance on causal closure lay below the surface. However, it is not hard to see that even in these latter cases the causal closure thesis played a crucial role. Thus, for example, consider J.J.C. Smart's (1958) thought that we should identify mental states with brain states, for otherwise those mental states would be "nomological danglers" which play no role in the explanation of behaviour. Or take David Lewis's (1966) and David Armstrong's (1968) argument that, since mental states are picked out by their causal roles, and since we know that physical states play these roles, mental states must be identical with those physical states. Again, consider Donald Davidson's (1970) argument that, since the only laws governing behaviour are those connecting behaviour with physical antecedents, mental events can only be causes of behaviour if they are identical with those physical antecedents. At first sight, it may not be obvious that these arguments require the causal closure thesis. But a moment's thought will show that none of these arguments would remain cogent if the closure thesis were not true, and that some physical effects (the movement of matter in arms, perhaps, or the firings of the motor neurones which instigate those movements) were not determined by prior physical causes at all, but by sui generis mental causes. Sometimes it is suggested that the indeterminism of modern quantum mechanics creates room for sui generis non-physical causes to influence the physical world. However, even if quantum mechanics implies that some physical effects are themselves undetermined, it provides no reason to doubt a quantum version of the causal closure thesis, to the effect that the chances of those effects are fully fixed by prior physical circumstances. And this alone is enough to rule out sui generis non-physical causes. For such sui generis causes, if they are to be genuinely efficiacious, must presumably make an independent difference to the chances of physical effects, and this in itself would be inconsistent with the quantum causal closure claim that such chances are already fixed by prior physical circumstances. Once more, it seems that anything that makes a difference to the physical realm must itself be physical. Even if it is agreed that anything with physical effects must in some sense be physical, there is plenty of room to debate exactly what ontologically naturalist doctrines follow. The causal closure thesis says that (the chance of) every physical effect is fixed by a fully physical prior history. So, to avoid an unacceptable proliferation of causes, any prima facie non-physical cause of a physical effect will need to be included in that physical history. But what exactly does this require? The contemporary literature offers a wide range of answers to this question. In part the issue hinges on the ontological status of causes. Some philosophers think of causes as particular events, considered in abstraction from any properties they may possess (Davidson 1980). Given this view of causation, a mental or other apparently non-physical cause will be the same as some physical cause as long as it is constituted by the same particular (or ‘token’) event. For example, a given feeling and a given brain event will count as the same cause as long as they are constituted by the same token event. However, it is widely agreed that this kind of ‘token identity’ on its own fails to ensure that prima facie non-physical causes can make any real difference to physical effects. To see why, note that token identity is a very weak doctrine: it does not imply any relationship at all between the properties involved in the physical and non-physical cause; it is enough that the same particular entity should possess both these properties. Compare the way in which an apple's shape and colour are both possessed by the same particular thing, namely that apple. It seems wrong to conclude on this account that the apple's colour causes what its shape causes. Similarly, it seems unwarranted to conclude that someone's feelings cause what that person's neuronal discharges cause, simply on the grounds that these are both aspects of the same particular event. This could be true, and yet the mental property of the event could be entirely irrelevant to any subsequent physical effects. Token identity on its own thus seems to leave it open that the mental and other prima facie non-physical properties are ‘epiphenomenal’, exerting no real influence on effects that are already fixed by physical processes (Honderich 1982, Yalowitz 2006 Section 6, Robb and Heil 2005 Section 5). These considerations argue that causation depends on properties as well as particulars. There are various accounts of causation that respect this requirement, the differences between which do not matter for present purposes. The important point is that, if mental and other prima facie non-physical causes are to be equated with physical causes, [any] non-physical properties must somehow be constituted by physical properties. If your anger is to cause what your brain state causes, the property of being angry cannot be ontologically independent of the relevant brain properties. So much is agreed by nearly all contemporary naturalists. At this point, however, consensus ends. One school holds that epiphenomenalism can only be avoided by type-identity, the strict identity of the relevant prima facie non-physical properties with physical properties. On the other side stand ‘non-reductive’ physicalists, who hold that the causal efficacy of non-physical properties will be respected as long as they are ‘realized by’ physical properties, even if they are not reductively identified with them. Type-identity is the most obvious way to ensure that non-physical and physical causes coincide: if exactly the same particulars and properties comprise a non-physical and a physical cause, the two causes will certainly themselves be fully identical. Still, type-identity is a very strong doctrine. Type identity about thoughts, for example, would imply that the property of thinking about the square root of two is identical with some physical property. And this seems highly implausible. Even if all human beings with this thought must be distinguished by some common physical property of their brains—which itself seems highly unlikely—there remains the argument that other life-forms, or intelligent androids, will also be able to think about the square root of two, even though their brains may share no significant physical properties with ours (cf. Bickle 2006). This ‘variable realization’ argument has led many philosophers to seek an alternative way of reconciling the efficacy of non-physical causes with the causal closure thesis, one which does not require the strict identity of non-physical and physical properties. The general idea of this ‘non-reductive physicalism’ is to allow that a given non-physical property can be ‘realized’ by different physical properties in different cases. There are various ways of filling out this idea. A common feature is the requirement that non-physical properties should metaphysically supervene on physical properties, in the sense that any two beings who share all physical properties will necessarily share the same non-physical properties, even though the physical properties which so realize the non-physical ones can be different in different beings. This arguably ensures that nothing more is required for any specific instantiation of a non-physical property than its physical realization—even God could not have created your brain states without thereby creating your feelings—yet avoids any reductive identification of non-physical properties with physical ones. (This is a rough sketch of the supervenience formulation of physicalism. For more see Stoljar 2001 Sections 2 and 3.) Some philosophers object that non-reductive physicalism does not in fact satisfy the original motivation for physicalism, since it fails to reconcile the efficacy of non-physical causes with the causal closure thesis (Kim 1993. Robb and Heil 2005 Section 6). According to non-reductive physicalism, prima facie non-physical properties are not type-identical with any strictly physical properties, even though they supervene on them. However, if causes are in some way property-involving, this then seems to imply that any prima facie non-physical cause will be distinct from any physical cause. Opponents of non-reductive physicalism object that this gives us an unacceptable proliferation of causes for the physical effects of non-physical causes—both the physical cause implied by the causal closure thesis and the distinct non-physical cause. In response, advocates of non-reductive physicalism respond that there is nothing wrong with such an apparent duplication of causes if it is also specified that the latter metaphysically supervene on the former. The issue here hinges on the acceptability of different kinds of overdetermination (Bennett 2003). All can agree that it would be absurd if the physical effects of non-physical causes always had two completely independent causes. This much was assumed by the original causal argument for physicalism, which reasoned that no sui generis non-physical state of affairs can cause some effect that already has a full physical cause. However, even if ‘strong overdetermination’ by two ontologically independent causes is so ruled out, this does not necessarily preclude ‘weak overdetermination’ by both a physical cause and a metaphysically supervenient non-physical cause. Advocates of non-reductive physicalism argue that this kind of overdetermination is benign, on the grounds that the two causes are not ontologically distinct—the non-physical cause isn't genuinely additional to the physical cause (nothing more is needed for your feelings than your brain states). There is room to query whether non-reductive physicalism amounts to a substantial form of naturalism. After all, the requirement that some category of properties metaphysically supervenes on physical properties is not a strong one. A very wide range of properties would seem intuitively to satisfy this requirement, including moral and aesthetic properties, along with any mental, biological, and social properties. (Can two physically identical things be different with respect to wickedness or beauty?) Supervenience on the physical realm is thus a far weaker requirement than that some property should enter into natural laws, say, or be analysable by the methods of the natural sciences. Indeed some philosophers are explicitly anti-naturalist about categories that they allow to supervene on the physical—we need only think of G.E. Moore on moral properties, or Donald Davidson and his followers on mental properties (Moore 1903, Davidson 1980). In response, those of naturalist sympathies are likely to point out that any viable response to the argument from causal closure will require more than metaphysical supervenience alone (Horgan 1993, Wilson 1999). Supervenience is at least necessary, if non-reductive physicalists are to avoid the absurdity of strong overdetermination. But something more than mere supervenience is arguably needed if non-reductive physicalists are to make good their claim that non-physical states cause the physical effects that their realizers cause. Metaphysical supervenience alone does not ensure this. (Suppose ricketiness, in a car, is defined as the property of having some loose part. Then ricketiness will supervene on physical properties. In a given car, it may be realized by a disconnected wire between ignition and starter motor.This disconnected wire will cause this car not to start. But it doesn't follow that this car's then not starting will be caused by its property of ricketiness. Most rickety cars start perfectly well.) So it looks as if the causal closure argument requires not only that non-physical properties metaphysically supervene on physical properties, but that they be natural in some stronger sense, so as to qualify as causes of those properties' effects. It is a much-discussed issue how this demand can be satisfied. Some philosophers seek to meet it by offering a further account of the nature of the relevant non-physical properties, for example, that they are second-order role properties whose presence is constituted by some first-order property with a specified causal role (Levin 2004). Others suggest that the crucial feature is how these properties feature in certain laws (Fodor 1974) or alternatively the degree of their explanatory relevance to physical effects (Yablo 1992). And reductive physicalists will insist that the demand can only be met by type-identifying prima-facie non-physical properties with physical properties after all.[6] There is no agreed view on the requirements for prima facie non-physical properties to have physical effects. This difficult issue hinges, inter alia, on the nature of the causal relation itself, and it would take us too far afield to pursue it further here. For the purpose of this entry, we need only note that the causal closure argument seems to require that properties with physical effects must be ‘natural’ in some sense that is stronger than metaphysical supervenience on physical properties. Beyond that, we can leave it open exactly what this extra strength requires. Some philosophers hold that mental states escape the causal argument, on the grounds that mental states cause actions rather than any physical effects. Actions are not part of the subject matter of the physical sciences, and so a fortiori not the kinds of effects guaranteed to have physical causes by any casual closure thesis. So there is no reason, according to this line of thought, to suppose that the status of mental states as causes of actions is threatened by physics, nor therefore any reason to think that mental states must in some sense be realized by physical states (Hornsby 1997, Sturgeon 1998). The obvious problem with this line of argument is that actions aren't the only effects of mental states. On occasion mental states also cause unequivocally physical effects. Fast Eddie Felsen's desire to move a pool ball in a certain direction will characteristically have just that effect. And now the causal closure argument bites once more. The snooker ball's motion has a purely physical cause, by the causal closure thesis. This will pre-empt Fast Eddie's desire as a cause of that motion, unless that desire is in some sense physically realized (Balog 1999, Witmer 2000). Other philosophers have a different reason for saying that mental states, or more particularly conscious mental states, don't have physical effects. They think that there are strong independent arguments to show that conscious states can't possibly supervene metaphysically on physical states. Putting this together with the closure claim that physical effects always have physical causes, and abjuring the idea that the physical effects of conscious causes are strongly overdetermined by both a physical cause and an ontologically independent conscious cause, they conclude that conscious states must be ‘epiphenomenal’, lacking any power to causally influence the physical realm (Jackson 1981; 1985. See also Chalmers 1995).[7] The rejection of physicalism about conscious properties certainly has the backing of intuition. (Don't zombies—beings who are physically exactly like humans but have no conscious life—seem intuitively possible?) However, whether this intuition can be parlayed into a sound argument is a highly controversial issue, and one that lies beyond the scope of this entry. A majority of contemporary philosophers probably hold that physicalism can resist these arguments. But a significant minority take the other side.[8] If the majority are right, and physicalism about conscious states is not ruled out by independent arguments, then physicalism seems clearly preferable to epiphenomenalism. In itself, epiphenomenalism is not an attractive position. It requires us to suppose that conscious states, even though they are caused by processes in the physical world, have no effects on that world. This is a very odd kind of causal structure. Nature displays no other examples of such one-way causal intercourse between realms. By contrast, a physicalist naturalism about conscious states will integrate[s] the mental realm with the **causal unfolding** of the spatiotemporalworld in an entirely familiar way. Given this, general principles of theory choice would seem to argue strongly for physicalism over epiphenomenalism.[9] If we focus on this last point, we may start wondering why the causal closure thesis is so important. If general principles of theory choice can justify physicalism, why bring in all the complications associated with causal closure? The answer is that causal closure is needed to rule out interactionist dualism. General principles of theory choice may dismiss epiphenomenalism in favour of physicalism, but they do not similarly discredit interactionist dualism. As the brief historical sketch earlier will have made clear, interactionist dualism offers a perfectly straightforward theoretical option requiring no commitment to any bizarre causal structures. Certainly the historical norm has been to regard it as the default account of the causal role of the mental realm.[10] Given this, arguments from theoretical simplicity cut no ice against interactionist dualism. Rather, the case against interactionist dualism hinges crucially on the empirical thesis that all physical effects already have physical causes. It is specifically this claim that makes it difficult to see how dualist states can make a causal difference to the physical world. It is sometimes suggested that physicalism about the mind can be vindicated by an ‘inference to the best explanation’. The thought here is that there are many well-established synchronic correlations between mental states and brain states, and that physicalism is a ‘better explanation’ of these correlations than epiphenomenalism (Hill 1991, Hill and McLaughlin 1999). From the perspective outlined here, this starts the argument in the middle rather than the beginning, by simply assuming the relevant mind-brain correlations. This assumption of pervasive synchronic mind-brain correlations is only plausible if interactionist dualism has already been ruled out. After all, if we believed interactionist dualism, then we wouldn't think dualist mental states needed any help from synchronic neural correlates to produce physical effects. And it is implausible to suppose that we have direct empirical evidence, prior to the rejection of interactive dualism, for pervasive mind-brain correlations, given the paucity of any explicit examples of well-established neural correlates for specific mental states. Rather our rationale for believing in such correlations must be that the causal closure of the physical realm eliminates interactive dualism, whence we infer that mental states can only systematically precede physical effects if they are correlated with the physical causes of those effects. G.E. Moore's famous ‘open question’ argument is designed to show that moral facts cannot possibly be identical to natural facts. Suppose the natural properties of some situation are completely specified. It will always remain an open question, argued Moore, whether that situation is morally good or bad. (Moore 1903.) Moore took this argument to show that moral facts comprise a distinct species of non-natural fact. However, any such non-naturalist view of morality faces immediate difficulties, deriving ultimately from the kind of causal closure thesis discussed above. If all physical effects are due to a limited range of natural causes, and if moral facts lie outside this range, then it follow that moral facts can never make any difference to what happens in the physical world (Harman, 1986). At first sight this may seem tolerable (perhaps moral facts indeed don't have any physical effects). But it has very awkward epistemological consequences. For beings like us, knowledge of the spatiotemporal world is mediated by physical processes involving our sense organs and cognitive systems.If moral facts cannot influence the physical world, then it is hard to see howwe can have any knowledge of them.

#### 2] We don’t identify with our future selves—continuous identity doesn’t exist.

OPAR 14 (Alisa Opar is the articles editor at Audubon magazine; cites Hal Hershfield, an assistant professor at New York University’s Stern School of Business; and Emily Pronin, a psychologist at Princeton) “Why We Procrastinate” Nautilus January 2014 AT
The British philosopher Derek Parfit espoused a severely reductionist view of personal identity in his seminal book, Reasons and Persons: It does not exist, at least not in the way we usually consider it. We humans, Parfit argued, are not a consistent identity moving through time, but a chain of successive selves, each tangentially linked to, and yet distinct from, the previous and subsequent ones. The boy who begins to smoke despite knowing that he may suffer from the habit decades later should not be judged harshly: “This boy does not identify with his future self,” Parfit wrote. “His attitude towards this future self is in some ways like his attitude to other people.” Parfit’s view was controversial even among philosophers. But psychologists are beginning to understand that it may accurately describe our attitudes towards our own decision-making: It turns out that we see our future selves as strangers. Though we will inevitably share their fates, the people we will become in a decade, quarter century, or more, are unknown to us. This impedes our ability to make good choices on their—which of course is our own—behalf. That bright, shiny New Year’s resolution? If you feel perfectly justified in breaking it, it may be because it feels like it was a promise someone else made. “It’s kind of a weird notion,” says Hal Hershfield, an assistant professor at New York University’s Stern School of Business. “On a psychological and emotional level we really consider that future self as if it’s another person.” Using fMRI, Hershfield and colleagues studied brain activity changes when people imagine their future and consider their present. They homed in on two areas of the brain called the medial prefrontal cortex and the rostral anterior cingulate cortex, which are more active when a subject thinks about himself than when he thinks of someone else. They found these same areas were more strongly activated when subjects thought of themselves today, than of themselves in the future. Their future self “felt” like somebody else. In fact, their neural activity when they described themselves in a decade was similar to that when they described Matt Damon or Natalie Portman. And subjects whose brain activity changed the most when they spoke about their future selves were the least likely to favor large long-term financial gains over small immediate ones. Emily Pronin, a psychologist at Princeton, has come to similar conclusions in her research. In a 2008 study, Pronin and her team told college students that they were taking part in an experiment on disgust that required drinking a concoction made of ketchup and soy sauce. The more they, their future selves, or other students consumed, they were told, the greater the benefit to science. Students who were told they’d have to down the distasteful quaff that day committed to consuming two tablespoons. But those that were committing their future selves (the following semester) or other students to participate agreed to guzzle an average of half a cup. We think of our future selves, says Pronin, like we think of others: in the third person. The disconnect between our present and time-shifted selves has real implications for how we make decisions. We might choose to procrastinate, and let some other version of our self deal with problems or chores. Or, as in the case of Parfit’s smoking boy, we can focus on that version of our self that derives pleasure, and ignore the one that pays the price. But if procrastination or irresponsibility can derive from a poor connection to your future self, strengthening this connection may prove to be an effective remedy. This is exactly the tactic that some researchers are taking. Anne Wilson, a psychologist at Wilfrid Laurier University in Canada, has manipulated people’s perception of time by presenting participants with timelines scaled to make an upcoming event, such as a paper due date, seem either very close or far off. “Using a longer timeline makes people feel more connected to their future selves,” says Wilson. That, in turn, spurred students to finish their assignment earlier, saving their end-of-semester self the stress of banging it out at the last minute. We think of our future selves, says Pronin, like we think of others: in the third person. Hershfield has taken a more high-tech approach. Inspired by the use of images to spur charitable donations, he and colleagues took subjects into a virtual reality room and asked them to look into a mirror. The subjects saw either their current self, or a digitally aged image of themselves (see the figure, Digital Old Age). When they exited the room, they were asked how they’d spend $1,000. Those exposed to the aged photo said they’d put twice as much into a retirement account as those who saw themselves unaged. This might be important news for parts of the finance industry. Insurance giant Allianz is funding a pilot project in the midwest in which Hershfield’s team will show state employees their aged faces when they make pension allocations. Merrill Edge, the online discount unit of Bank of America Merrill Lynch, has taken this approach online, with a service called Face Retirement. Each decade-jumping image is accompanied by startling cost-of-living projections and suggestions to invest in your golden years. Hershfield is currently investigating whether morphed images can help people lose weight. Of course, the way we treat our future self is not necessarily negative: Since we think of our future self as someone else, our own decision making reflects how we treat other people. Where Parfit’s smoking boy endangers the health of his future self with nary a thought, others might act differently. “The thing is, we make sacrifices for people all the time,” says Hershfield. “In relationships, in marriages.” The silver lining of our dissociation from our future self, then, is that it is another reason to practice being good to others. One of them might be you.

#### This means util – A. Without continuous identity, the only thing that people look to are pleasure and pain as a basis for whether actions are good or not since those are the only things that impact the person at that 1 instance. B. If a continuous notion of a person is nonexistent, we can’t look to theories that impose moral burdens on individuals – and must look to consequences.

#### 3] Util is a lexical pre-requisite to any other framework: Threats to bodily security and life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis that inhibit the ideal moral conditions which other theories presuppose – so, util comes first and my offense outweighs theirs under their own framework.

#### The role of the ballot is to evaluate the simulated consequences of the aff against a competitive post-fiat policy option or the status quo. To clarify – only post-fiat consequences are relevant.

#### Realists dominate the argumentative frame – only this framework teaches debaters how to speak in the language of real world people and experts which solves cession of science and politics.

Hoppe 99 Robert Hoppe is Professor of Policy and knowledge in the Faculty of Management and Governance at Twente University, the Netherlands. "Argumentative Turn" Science and Public Policy, volume 26, number 3, June 1999, pages 201–210 works.bepress.com

ACCORDING TO LASSWELL (1971),policy science is about the production and application of knowledge of and in policy. Policy-makers who desire to tackle problemson the political agendasuccessfully, should be able to mobilise the best available knowledge. This requires high-quality knowledge in policy. Policy-makers and, in a democracy, citizens, **also** need to know how policy processes really evolve**.** This demands precise knowledge of policy. There is an obvious link between the two:the more and better the knowledge of policy, the easier it is to mobilise knowledge in policy**.** Lasswell expresses this interdependence by defining the policy scientist's operational task as eliciting the maximum rational judgement of all those involved in policy-making. For the applied policy scientist or policy analyst this implies the development of two skills. First, for the sake of mobilising the best available knowledge in policy**,** he/she should be able to mediate between different scientific disciplines.Second, to optimise the interdependence between science in and of policy, she/he should be able to mediate between science and politics. Hence Dunn's(1994, page 84**)** formal definition of policy analysis as an applied social science discipline that uses multiple research methods in a context of argumentation, public debate[and political struggle]to create, evaluate critically, and communicate policy-relevant knowledge**.** Historically, the differentiation and successful institutionalisation of policy science can be interpreted as the spread of the functions of knowledge organisation, storage, dissemination and application in the knowledge system (Dunn and Holzner, 1988; van de Graaf and Hoppe, 1989, page 29). Moreover, this scientification of hitherto 'unscientised' functions, by including science of policy explicitly, aimed to gear them to the political system. In that sense, Lerner and Lasswell's (1951) call for policy sciences anticipated, and probably helped bring about, the scientification of politics. Peter Weingart(1999) sees the development of the science-policy nexus as a dialectical process of the scientification of politics/policy and the politicisation of science. Numerous studies of political controversies indeed show that science advisors behave like any other self-interested actor(Nelkin, 1995).Yet science somehow managed to maintain its functional cognitive authority in politics**.** This may be because of its changing shape, which has been characterised as the emergence of a post-parliamentary and post-national network democracy (Andersen and Burns, 1996, pages 227-251).National political developments are put in the background by ideas about uncontrollable**,** but apparently inevitable, internationaldevelopments**;** in Europe**,** national state authority and power in public policy-making is leaking away to a new political and administrative elite, situated in the institutional ensemble of the European Union. National representation is in the hands of political parties which no longer control ideological debate. The authority and policy-making power of national governments isalsoleaking away towards increasingly powerful policy-issue networks, dominated by functional representation by interest groups and practical experts**.** In this situation, public debate has become even more fragile than it was. It has become diluted by the predominance of purely pragmatic, managerial and administrative argument, and under-articulated as a result of an explosion of new political schemata that crowd out the more conventional ideologies. The new schemata do feed on the ideologies; but in larger part they consist of a random and unarticulated 'mish-mash' of attitudes and images derived from ethnic, local-cultural, professional, religious, social movement and personal political experiences**.** The market-place of political ideas and arguments is thriving; buton the other hand, politicians and citizens are at a loss to judge its nature and quality. Neither political parties, nor public officials, interest groups, nor social movements and citizen groups, nor even the public media show any inclination, let alone competency, in ordering this inchoate field**.** In such conditions, scientific debateprovides a much needed minimal amount of orderand articulation ofconcepts**,** arguments and ideas**.** Although frequently more in rhetoric than substance,reference to scientific 'validation' does provide politicians, public officials and citizens alike with some sort of compass in an ideological universe in disarray**.** For policy analysis to have any political impact under such conditions, it should be able somehow to continue 'speaking truth' to political eliteswho areideologically uprooted, but cling to power; to the elites of administrators, managers, professionals and experts who vie for power in the jungle of organisations populating the functional policy domains of post-parliamentary democracy; and to a broader audience of an ideologically disoriented and politically disenchanted citizenry.

### Underview

#### 1. We need to embrace the state as a heuristic – our argument is not that the state is good but that learning the levers of power is key to confronting it.

Zanotti 14: (Dr. Laura Zanotti is an Associate Professor of Political Science at Virginia Tech. Her research and teaching include critical political theory as well as international organizations, UN peacekeeping, democratization and the role of NGOs in post-conflict governance.“Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World” – Alternatives: Global, Local, Political – vol 38(4):p. 288-304,. A little unclear if this is late 2013 or early 2014 – The Stated “Version of Record” is Feb 20, 2014, but was originally published online on December 30th, 2013. Obtained via Sage Database//FT)

By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain a pristine ‘‘freedom from all constraints’’ or an immanent ideal social order. It is found instead in multifarious and contingent struggles that are constituted **within** the scripts of **government**al rationalities and at the same time exceed and transform them. This approach questions oversimplifications of the complexities of liberal political rationalities and of their interactions with non-liberal political players and nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems. International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. Governmentality as a heuristic focuses on performing complex diagnostics of events. It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’ romanticizations of the ‘‘rebel’’ or the ‘‘the local.’’ More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. These alternative formulations also foster an ethics of political engagement, to be continuously taken up through plural and uncertain practices, that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’’83 Such ethics of engagement would not await the revolution to come or hope for a pristine ‘‘freedom’’ to be regained. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices. To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.’’84

#### 2. Critique of society founded in metaphysical premises can be true in abstract but doesn’t offer a method to actualize change – only a focus on material circumstances solves.

**Bryant 12** – (9/15, Levi, professor of Philosophy at Collin College and Chair of the Critical Philosophy program at the New Centre for Research and Practice, “War Machines and Military Logistics: Some Cards on the Table,” https://larvalsubjects.wordpress.com/2012/09/15/war-machines-and-military-logistics-some-cards-on-the-table/)

We need answers to these questions to intervene effectively. We can call them questions of “military logistics”. We are, after all, constructing war machines to combat these intolerable conditions. Military logistics asks two questions: first, it asks what things the opposing force, the opposing war machine captured by the state apparatus, relies on in order to deploy its war machine: supply lines, communications networks, people willing to fight, propaganda or ideology, people believing in the cause, etc. Military logistics maps all of these things. Second, military logistics asks how to best deploy its own resources in fighting that state war machine. In what way should we deploy our war machine to defeat war machines like **racism, sexism, capitalism, neoliberalism**, etc? What are the things upon which these state based war machines are based, what are the privileged nodes within these state based war machines that allows them to function? These nodes are the things upon which we want our nomadic war machines to intervene. If we are to be effective in producing change we better know what the supply lines are so that we might make them our target. What I’ve heard in these discussions is a **complete indifference to military logistics**. It’s as if people like to wave their hands and say **“this is horrible and unjust!”** and **believe that hand waving is a politically efficacious act**. Yeah, you’re right, it is horrible but saying so doesn’t go very far and changing it. It’s also as if people are horrified when anyone discusses anything besides how horribly unjust everything is. Confronted with an analysis why the social functions in the horrible way, the next response is to say **“you’re justifying that system and saying it’s a-okay!”** This misses the point that **the entire point is to map the “supply lines” of the opposing war machine** so you can strategically **intervene in them to destroy them** and create alternative forms of life. You see, we already took for granted your analysis of how horrible things are. **You’re preaching to the choir**. We wanted to get to work determining how to change that and believed for that we needed good maps of the opposing state based war machine so we can decide how to intervene. We then look at your actual practices and see that **your sole strategy seems to be ideological critique or debunking**. Your idea seems to be that if you just prove that other people’s beliefs are incoherent, they’ll change and things will be different. But we’ve noticed a couple things about your strategy: 1) there have been a number of bang-on critiques of state based war machines, without things changing too much, and 2) we’ve noticed that we might even persuade others that labor under these ideologies that their position is incoherent, yet they still adhere to it as if the grounds of their ideology didn’t matter much. This leads us to suspect that there are other causal factors that undergird these social assemblages and cause them to endure is they do. We thought to ourselves, there are two reasons that an ideological critique can be successful and still fail to produce change: a) the problem can be one of “distribution”. The critique is right but **fails to reach the people** who need to hear it and even if they did receive the message they couldn’t receive it because it’s expressed in the foreign language of “academese” which they’ve never been substantially exposed to (academics seem to enjoy only speaking to other academics even as they say their aim is to change the world). Or b) **there are other causal factors** involved in why social worlds take the form they do that are not of the **discursive, propositional, or semiotic** order. My view is that **it is a combination** of both. I don’t deny that ideology is one component of why societies take the form they do and why people tolerate intolerable conditions. I merely deny that this is the only causal factor. I don’t reject your political aims, but merely wonder how to get there. Meanwhile, you ~~guys~~ behave like a war machine that believes it’s sufficient to drop pamphlets out of an airplane debunking the ideological reasons that persuade the opposing force’s soldiers to fight this war on behalf of the state apparatus, forgetting supply lines, that there are other soldiers behind them with guns to their back, that they have obligations to their fellows, that they have families to feed or debt to pay off, etc. When I point out these other things it’s not to reject your political aims, but to say that perhaps these are also good things to intervene in if we wish to change the world. In other words, I’m objecting to your tendency to use a hammer to solve all problems and to see all things as a nail (**discursive problems**), ignoring the role that material nonhuman entities play in the form that social assemblages take. This is the basic idea behind what I’ve called “terraism”. Terraism has three components: 1) “Cartography” or the mapping of assemblages to understand why they take the form they take and why they endure. This includes the mapping of both semiotic and material components of social assemblages. 2) “Deconstruction” Deconstruction is a practice. It includes both traditional modes of discursive deconstruction (Derridean deconstruction, post-structuralist feminist critique, Foucaultian genealogy, Cultural Marxist critique, etc), but also far more literal deconstruction in the sense of intervening in material or thingly orders upon which social assemblages are reliant. It is not simply beliefs, signs, and ideologies that cause oppressive social orders to endure or persist, but also material arrangements upon which people depend to live as they do. **Part of changing a social order thus necessarily involves intervening in those material networks** to undermine their ability to maintain their relations or feedback mechanisms that allow them to perpetuate certain dependencies for people. Finally, 3) there is “Terraformation”. Terraformation is the hardest thing of all, as it requires the **activist to be something more than a critic**, something more than someone who **simply denounces how bad things are**, someone more than someone who simply sneers, producing instead other material and semiotic arrangements rendering new forms of life and social relation possible. Terraformation consists in building alternative forms of life. **None of this, however, is possible without good mapping of the terrain** so as to know what to deconstruct and what resources are available for building new worlds. Sure, I care about ontology for political reasons because I believe this world sucks and is profoundly unjust. But rather than waving my hands and cursing because of how unjust and horrible it is so as to feel superior to all those about me who don’t agree, rather than playing the part of the beautiful soul who refuses to get his hands dirty, I think **we need good maps so we can blow up the right bridges, power lines, and communications networks**, and so we can engage in effective terraformation.

#### 3. Affirm if I win offense to a counterinterp

#### A] Timeskew – 6 Minute 2NR with collapse to whatever I undercover means that you can win theory and substance, but I need to go for both in half the time and split it between the 2 layers.

#### B] Reciprocity – you get T and theory so I should get theory and an RVI to make the burden reciprocal.

#### 4. 1AR theory is legit and drop the debater – else you can be infinitely abusive and reading 1AR theory means I can’t cover the NC arguments sufficiently or else I’ll lose everywhere else

#### 5. Give me new weighing in the 2AR for 1AR shells – I don’t know what arguments will be read in the 2NR so 1AR weighing is impossible as I don’t know what to weigh against.

#### 6. Give aff reasonability and drop the arg on 1NC theory – the 1AR is too short to generate a counterinterp, line by line the shell and win substance as its functionally spending at least a minute on theory which is just defense for me with no RVIs so I’m almost guaranteed to lose substance – this solves – proves that we can still have a constructive debate without screwing over the 1AR on time as I don’t need to do the procedures listed above to the fullest extent.

#### 7] Don’t buy their link claims absent empirical, falsifiable evidence that demonstrates causality in the particular context of the plan – they lack a concrete alternative and reform links are coopted by conservatism

Bourbaki 17 [Nicholas Bourbaki, pseudonym?, writes on philosophy, literature, and economics at Against the Logicians, “A Critique of “Critique”: What Is Still Wrong with the Academic Left”, Against the Logicians, 10-19-17, Available Online at <https://againstthelogicians.com/2017/10/19/a-critique-of-critique-what-is-still-wrong-with-the-academic-left/>] \*\*brackets in original article

When I say “critique,” what I have in mind is the following simple structure of argument, which can be, and has been, executed with countless variations: Step One: Begin by identifying something — especially a powerful institution or idea — that the mainstream liberal political culture assumes to be largely a good thing, such as human rights, the language of rights in general, the rule of law, foreign aid, peacekeeping, or free speech. Step Two: Identify something — especially some pathology involving inequalities of power — that the mainstream liberal political culture views as a bad thing, such as global poverty, war, sex trafficking, or gender discrimination. Often, from the perspective of the mainstream liberal political culture, the problem here will be endemic, and susceptible to no easy solution, although the mainstream liberal political culture views itself as committed to finding better solutions. Step Three — and here is the conjuring trick, where the leftist scholar really has a chance to display intellectual virtuosity: Reveal that the institution or idea from Step One is in fact responsible for the perpetuation of the evil in Step Two. What the liberal thinker assumed to be a good thing — is in fact complicit in what he agrees is a bad thing! For example, it is revealed that the liberal “rule of law” is only a smokescreen for the imposition of exploitative neoliberal economic policies on less powerful countries and communities. Or one discovers that liberal “human rights law,” far from opposing cruelty and promoting the equality of all people, perpetuates racist, colonial-imperialist, extractive-capitalist, patriarchal, and ableist assumptions and power-structures — and moreover, through its emphasis on rational autonomy, attempts to deprive the cognitively impaired of human dignity! There is no Step Four. The academic Left is defiantly unconcerned with proposing less-worse alternatives to the status quo. Rather, the aim is critique, and critique alone. This is, in other words, a profoundly unpragmatic mode of argument — as the pragmatist philosopher Richard Rorty recognized already in his late-1990s criticisms of the spectatorial academic Left. It does not live in a world of better and worse practical alternatives. It is not interested in what reforms might be possible, or how to get from where we are to some better state of affairs. It denounces the status quo in the righteously indignant tone of someone who knows of a better alternative and is outraged that this alternative continues not to be realized — but without specifying what that alternative might be, or indeed showing any interest in the question of alternatives. Even from a pragmatic, non-radical-leftist perspective, of course, this kind of “critique” could still serve a valuable function by drawing attention to neglected problems with the status quo, persistent injustices to which the mainstream political culture might grow insensitive through habituation. It could serve as a spur to more pragmatic thinkers to consider practical reforms, and how they might be practically achieved. But I have a growing sense that all too often, radical Left “critique” is unable to serve even this theoretically useful role — usually because of problems in the reasoning of Step Three. It is very easy, as a rhetorical exercise, to draw conspiratorial lines between institutions of power and injustices in the world. One gestures toward some powerful institution or idea — and then one gestures toward an injustice that continues to exist in the general domain with which the institution or idea is concerned. With a little hand-waving, the former can easily seem complicit in the latter, even responsible for its continuation in some vague way. But are the two in fact causally connected? Plausible empirical arguments for causality are few and far between in the literature of the academic Left, which is, after all, largely concentrated in the humanities and the non-quantitative, non-model-focused (that is, largely anecdotal) social sciences. Scholars in the humanities, in particular, often have little expertise or interest in the kind of empirical research that might result in a causal claim that could be defended against skeptical objections — rather than being uncritically endorsed by ideological allies because it sounds good and identifies the right friends and enemies. Scholars on the academic Left also tend to have little to no practical experience in the kinds of institutions of power they seek to critique — such as, for example, government, business, or military bureaucracies. (More on the disengagement of the academic Left from institutions of political power below.) Instead, one often finds in Step Three of the academic leftist’s critique a creative close-reading of one or another text: a human rights treaty or declaration, a speech by a politician or general, an act of legislation, an announcement or advertisement by a corporation. The creative close-reading of texts is, after all, something that humanities scholars are trained to do. But from a skeptical — critical? — perspective, these exercises in the hermeneutics of suspicion often fall apart. They do not in fact demonstrate the relevant connections between the ostensibly good thing in Step One and the admittedly evil thing in Step Two, as would be required for Step Three to achieve its desired revelatory effect, its sudden stripping of the veil of ideology. Just because a passage in the Universal Declaration of Human Rights, for example, can be construed as insufficiently attentive to postcoloniality or poverty does not support the conclusion that actual international human rights institutions, in practice, are insufficiently attentive to postcoloniality or poverty. The latter may, in fact, be the case, but you cannot prove it by performing interpretive gymnastics on the UDHR. At minimum, you would need to look beyond the text to see how it is used, or not used, in the practices of actual human rights institutions — the practices that actually make a difference, or not, in people’s lives. The interpretations of the rights provisions in the U.S. Constitution over the last century should easily establish, if anyone doubted it, that in a political setting, texts are largely what we (politically) make of them. What could be more naive than simply assuming that a text must have a determinative meaning that constrains actors in a meaningful, transparently predictable way? Yet the growing use of legal texts in the humanities often takes place in “critique”-style arguments that effectively rest on this assumption. The critique assumes that one or another piece of uninclusive or otherwise problematic language in a legal or other non-literary text is evidence that the institutions and practices in which the text plays a role reflect — indeed, perpetuate — the lack of inclusiveness found in the language. One can see how the academic Left in the humanities might have wandered into these problematic methods. For years, scholars in literature departments have been close-reading works of literature through a magnifying glass of ideological suspicion, uncovering with a Javert-like intensity hitherto unrecognized ideological biases. It might be argued that this was an unusual project to place at the center of academic literary study. Shouldn’t professors of literature aim to cultivate a love of literature in their students, rather than presenting literature as primarily a raw material for training in ideological attack? But the project makes more sense if the language around us, including in the books we read, has a powerful and determinative effect on how we think and act. By drawing students’ attention to the submerged biases in canonical literary works, the radical leftist professor of literature could believe he or she was preventing those biases from being perpetuated, and thus believe that she or he was advancing the cause of social justice. From the already questionable assumption that potential exposure to often very subtle, even largely hidden, ideological biases in literature results in the reproduction of these biases unless the biases are relentlessly exposed and condemned, it is a short step to the even more questionable idea that hidden biases in the legal and other texts associated with institutions of power must likewise determine how those institutions behave — and the arguments that naturally follow from this, such as the bizarre claim that the use of market metaphors in Citizens United reveals something about the destruction of the possibility of politics in the era of neoliberalism. If Citizens United had used different metaphors, would that actually have made any difference? Does it matter that Robert Putnam spoke of “social capital,” rather than using some other turn of phrase? Is meaningful political critique really as easy as taking a close look at a long poem, or does it require a deeper engagement with social scientists and others who have done the hard, often unglamorous work of empirical research? Or does knowledge of the world of facts, models, and practice simply not matter to the kind of project in which the academic Left is currently engaged? \*\*\* When I say that “critique” is arguably the defining argumentative gesture of “the academic Left,” to whom am I referring? In closing, let me try to offer a little terminological clarification that will probably be unnecessary for anyone who has recently spent time in a humanities department of an American university. By the academic Left, I don’t simply mean scholars that political scientists or ordinary Americans would identify as being “progressive,” “liberal,” or “on the Left.” I don’t mean any scholar who opposes bigotry or cruelty against subordinated identity groups, who is involved in activism against the current threats to our democracy, who is fond of Bernie Sanders or Jeremy Corbyn, or who supports progressive economic policies — including even dramatic changes such as a universal basic income. Many scholars fitting these descriptions do not belong to what I am calling “the academic Left.” When I say the academic Left, I mean scholars on the radical Left who distinguish their politics from “liberalism,” in the sense of the tradition of political thought stretching from Mills to Berlin to Rawls, and encompassing the practical electoral politics of Western democracies during the Cold War and after — whether Democratic or Republican, Conservative or Labour. The academic Left rejects liberalism whether it leans to the right or left. It rejects the liberal international human rights regime, to echo the example above, as a tool of Western imperialism, and expresses serious doubts about the liberal language of “rights” in general. It finds its intellectual roots instead in the tradition of what it calls “critical theory,” meaning especially the early Frankfurt School with its inheritances from Marx and Freud. One of the easiest ways to identify the contemporary academic Left is by the frequency of its (always pejorative) invocations of “neoliberalism,” a loosely defined constellation of ideas and practices that it identifies as ultimately responsible for most of what is horrible in the world today. An indication of the gulf between the academic Left and the landscape of actual politics in the United States can be seen in, for example, Jonathan Chait’s apparent unfamiliarity with the pervasiveness of the contemporary academic-leftist use of “neoliberalism” — despite Chait being a well-informed, professional observer of American electoral politics and policy. The academic Left’s rejection of liberalism is so thoroughgoing that it often ends up finding, to its own surprise, that the Nazi political theorist Carl Schmitt’s denunciations of liberalism are oddly compelling. In fact, Schmitt frequently engages in “critique” in the academic Left’s sense, as when he suggests that liberal internationalism, while presenting itself as a vehicle for promoting peace and stability, in fact paves the way for wars that will be even more destructive than the wars of the past because they will be driven by universal moral principles, turning any opponent into an enemy of humanity who must be annihilated. (Radical leftists, in my experience, continue to find this argument persuasive, despite the puzzling disparity between the relatively greater destructiveness of, say, World War II — driven by Schmitt’s own fascist religion of war — and the relatively lesser destructiveness of liberal-internationalist humanitarian interventions such as the Gulf War, Kosovo, or Libya.) But the easiest way to locate the academic Left’s anti-liberalism may simply be to see it as the latest chapter in the radical emancipatory-utopian tradition that in an earlier time might have embraced Communism. Today, it finds itself unable to embrace Communism, with some holdouts. But it continues to speak, in many ways, as one would speak if one were in possession of the kind of all-encompassing answer that Communism promised to provide. As already suggested, this is one of the peculiarities of the typical register of academic Left critique: it is delivered with the outrage and righteousness that one would feel if there were a known solution to an extremely grave and urgent problem, and only the intervention of powerful forces of injustice (capitalism! imperialism! neoliberalism!) prevented the realization of the solution — while at the same time, it casually disowns any responsibility for suggesting such a solution, and even seems to have no interest in whether such a solution exists — because, after all, it is engaged in “critique,” not policy-making. The practically available alternatives are, in any case, probably hopeless, and the differences between them presumably make no real difference. Instead of getting our hands dirty with power, we should plant the seeds of future liberation through “radical democracy” in our neighborhoods, or at least in our coop, surrounded by our like-minded friends… In light of all of the above, it is probably not surprising that the academic Left, as opposed to the progressive Left, has little to no voice in electoral or even mass-organizational politics in the United States today — that is, in what most Americans think of when they think of “politics.” For this reason, I’ve previously referred to the academic Left’s project as “imaginary politics.” In terms of Weber’s distinction, it is a politics of pure conviction, utterly uninterested in the ethic of responsibility that often takes the righteous fun out of actual politics and renders its participants compromised, defeated, and impure. \*\*\* [Update 5/7/2018: It occurs to me that the structure of “critique” described above (another example of a topoi or argument-bite?) might be seen as an instance of what the intellectual historian Albert O. Hirschman called “The Rhetoric of Reaction.” Hirschman identified three recurring rhetorical moves used by reactionary conservatives against progressive reforms: the argument that the reform would perverse, that it would be futile, or that it would place other, more valuable goals in jeopardy. The contemporary radical Left’s habitual use of the rhetoric of “critique” seems to rely above all on perversity arguments, but also to some extent on jeopardy arguments. (“The liberal reformers thought they were alleviating poverty, but in fact they were entrenching it!” Or: “The human rights campaigners tried to address extreme poverty, but in fact they distracted attention from the struggle for economic equality! With the result that they contributed to a political backlash that now threatens to undo even their modest achievements!”) It is worth pausing to consider how it came to be that the radical Left adopted rhetorical moves that were traditionally associated with reactionary conservatives.]

#### 8. Engaging the state is productive—that means discussions of fiat are valuable. Statism is inevitable—innovative engagement can redirect power for emancipation.

Martin and Pierce ’13 Deborah G. Martin, Joseph Pierce, “Reconceptualizing Resistance: Residuals of the State and Democratic Radical Pluralism,” Antipode, Vol. 45, Issue 1, pp. 61-79, January 2013, DOI: 10.1111/j.1467-8330.2012.00980.x

The state offers a complex set of power structures against and with which resistance struggles (Holloway 2005; Scott 1988; Tormey 2004). Indeed, Holloway (2005) sees the state as so entrenched in power relations such that any resistance in or through the state is irrevocably bound up in its power logic. We acknowledge state power as always present, but not necessarily as monolithic.2 Despite—or perhaps because of— the power relations inherent in state frameworks, it is in part through laws and state regulations that activists can achieve reworked economic relations such as worker ownership, community banks, or cooperative housing (DeFilippis 2004). Hackworth explicitly acknowledges the possibility of a “neo-Keynesian” resistance which seeks to maintain relatively left-leaning state functions. Ultimately, though, he dismisses the resistive potential of such “neo-Keynesian” efforts, arguing that they have yielded “highly limited” successes (2007:191). We argue, however, that focusing on a state's ordering functions [the “police” component of states; as in Rancière (2004)] may provide a lens for examining how resistance through the state might destabilize or subvert neoliberal hegemony. We articulate the notion of residuals, or mechanisms of the state that can, or have historically, been wielded to mitigate inequalities of capitalism. In order to explore this arena as potentially productive for resistance, we first consider radical democracy as an already-articulated conceptualization of neoliberal resistance (Laclau and Mouffe 1985; Purcell 2008). Radical democracy does not seek to enroll the state in resistance to capital, per se, but recognizes the simultaneous co-presence of a hegemonic (but always changing) state, and anti-hegemonic resistances. Radical Democracy: Responding to Hegemony? The concept of radical democracy provides a framework for articulating where residual state apparatuses stand amidst the myriad layers of state functions, power, and hegemony (cf Laclau and Mouffe 1985; Rancière 2004). We imagine a politics in which the state –whether capitalist or not— is always hegemonic, and thus always produces an outside or excluded that is resistant to the hegemonic order. Radical democracy as initially described by Laclau and Mouffe (1985) offered a theory of resistance—although they did not use that term—to capitalist hegemonies.3 Their goal was to identify a leftist, anti-hegemonic political project that did not rely on unitary categories such as class, in response to the identity politics of the 1970s to 1990s and post-structural theorizing of the absence of any common (structural or cultural) basis for political transformation. The theory of radical democracy posits that any order is an hegemonic order; the post-Marxist socialist project of Laclau and Mouffe seeks to destabilize the hegemonies of capitalism and work towards more democratic articulations that marginalize capital, even as forms of inequality may persist (Laclau and Mouffe 1985). Nonetheless, they can seek more articulations, more opportunities for social protest and struggle over multiple inequalities. Each struggle will produce—or seek to produce—new orders, or hegemonies, but these will be unseated by other struggles; this process describes a democracy not defined solely by a capitalist hegemony. As scholars have increasingly taken neoliberalism as the distinct form of contemporary capitalism in response to which resistance is engaged, they have explored the ways that its intense market logic constricts possibilities for traditional political activism to engage the state: the state is responsive primarily to the logic of facilitating the work of private capital (Brenner and Theodore 2002; Harvey 2005; Mitchell 2003; Peck and Tickell 2002; Purcell 2008). At the same time, however, neoliberalism opens possibilities for resistance because of its internal contradictions (like all hegemonic orders); it simultaneously engages the state to facilitate capital expansion, yet rhetorically rejects the state as an active player in market logics (Leitner, Peck and Sheppard 2007; Peck and Tickell 2002; Purcell 2008). In doing so, the door is opened for alternative projects and resistances. Purcell (2008) takes up the ideals of radical democracy to focus on how it might provide specific means for resistance to neoliberalism. He wants to take the insights of Laclau and Mouffe and apply them to a particular, empirically informed framework for engaged activism that actually interrupts, if not challenges (and mostly not, in his examples), neoliberalism. As a result, Purcell engages specifically with the idea of “chains of equivalence”, which he defines as “entities [which] must simultaneously be both different and the same” (2008:74). Political coalitions and actors with shared or complimentary challenges to neoliberalism—but distinct in character, goals, and identities—form networks of equivalence [Purcell (2008), drawing from Hardt and Negri (2004) as well as Laclau and Mouffe (1985)]. Simply put, networks of equivalence conceptually allow for multiple groups with different specific interests and identities to band together to challenge the hegemony of neoliberal capitalism. The crucial point for Purcell, however, and the key radical pluralist component is that those groups can work together without having to resolve their internal differences; they need only share a common questioning of the neoliberal prioritizing of private capital. They share a struggle, then, for a different hegemony (Laclau and Mouffe 1985; Purcell 2008). In the battle against global finance, for example, activists with different specific interests (agriculture or trade policy or environmental protections) confront the state in the form of police in the streets of Seattle or Cancun (Wainwright 2007); their objections are to the state policies and agreements which support and create frameworks for world trade. In Purcell's (2008) networks of equivalence in Seattle, a similar, yet more spatially circumscribed network of neighborhood community activists, environmental activists, and a Native American tribe work together to challenge the terms of the environmental clean-up of toxins in and around the Duwamish River. Their target is the corporate interests being held responsible for actually funding the clean-up. The agent helping to hold the corporate interests accountable is the Federal Environmental Protection Agency (EPA). Seattle area environmental activists have been able to form a “chain of equivalence” with the EPA in the Duwamish clean-up in part by inserting themselves into an EPA framework that seeks stakeholder input through a participatory planning structure. The shared interests of the EPA and environmental activists are not obvious or easy to negotiate; the EPA, as a bureaucracy with many actors situated within the US federal system, is positioned as a complex institutional agent. But its particular mandate with regard to environmental protection offers a difficult relation to capital, one sometimes allied with non-state actors seeking limits to capital. Purcell's (2008) account of this case is insightful and engaging. We are highly sympathetic to his project of conceptualizing resistance and, by connection, a better, more complete democracy. But we differ over some of the details—essential details—of how best to enact successful resistances. In his case study of the Duwamish River clean up in Seattle, Purcell (2008) cites government policies as the factor enabling community resistance and involvement. His account is historically detailed—and necessarily so, for the complexities of the state have everything to do with the sedimented and sometimes inherently contradictory nature of its policies and procedures. In brief, he points to the EPA, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (also known as “Superfund”), and associated environmental laws as a sort of “environmental Keynesianism” that the federal government enacted in the decade of the 1970s (through 1980) (Purcell 2008:137). For Purcell, the neoliberalisation of these laws is evident in the increasing local devolution of governance authority over particular Superfund sites, including his case of the Duwamish River, resulting in “a proliferation of ad hoc and special purpose entities [that] increasingly carries out the everyday decision-making in Superfund cleanups” (2008:137). At the same time, however, Purcell (2008:138) acknowledges “that such ‘flexibilization’ … tends to create political opportunities that social movements can exploit”. We want to engage the idea that such flexible—or Keynesian—tools of the state are levers that can force the state to act in ways that might be counter to capital and in the service of greater democracy. In particular, we hope for a more complex, and, we expect, more practically productive conceptualization of resistance in relation to the state. While Purcell (2008:38, 183, note 2,2) acknowledges resistive possibilities from engagement with the state, he also notes that “the state is fully imbricated in the project of neoliberalization” (a point also made elsewhere; cf Harvey 2005; Holloway 2005; Mitchell 2003; Smith 1996; Wainwright 2007). We do not disagree with the basic contention that the state regulates and administers a hegemonic political economic order of and for capital. But the state is complex; following the persuasive arguments of Laclau and Mouffe (1985) and the example of the EPA in Purcell (2008), the state ought to be conceptualized like any actor: as multifaceted, with many possible subjectivities in relation to any particular conflict. This complexity offers the possibility that the state can be a tool for resistance, one we explore further in the rest of this paper.

## notes

$ currently @ 2.3 billion <https://www.jct.gov/publications.html?func=startdown&id=5148>

COAL MINE RECLAMATION Federal and State Agencies Face Challenges in Managing Billions in Financial Assurances March 2018. nited States Government Accountability Office Report to Congressional Requesters. [https://www.gao.gov/assets/700/690476.pdf cw//az Accessed 10/28/19](https://www.gao.gov/assets/700/690476.pdf%20cw//az%20Accessed%2010/28/19)

OSMRE regulations implementing SMCRA recognize three major types of financial assurances: surety bonds, collateral bonds, and self-bonds.

• A surety bond is a bond in which the operator pays a surety company to guarantee the operator’s obligation to reclaim the mine site. If the operator does not reclaim the site, the surety company must pay the bond amount to the regulatory authority, or the regulatory authority may allow the surety company to perform the reclamation instead of paying the bond amount.

• Collateral bonds include cash; certificates of deposit; liens on real estate; letters of credit; federal, state, or municipal bonds; and investment-grade rated securities deposited directly with the regulatory authority.

• A self-bond is a bond in which the operator promises to pay reclamation costs itself. Self-bonds are available only to operators with a history of financial solvency and continuous operation. To remain qualified for self-bonding, operators must, among other requirements, do one of the following: have an “A” or higher bond rating, maintain a net worth of at least $10 million, or possess fixed assets in the United States of at least $20 million. In addition, the total amount of self-bonds any single operator can provide shall not exceed 25 percent of its tangible net worth in the United States. Primacy states have the discretion on whether to accept self-bonds.

## !

#### Evi may be bracketed for problematic rhetoric and/or clarity. If you want me to, I’ll defend the WTO definition of fossil fuel subsidy since that’s accepted by the US and 163 countries[[1]](#footnote-1)

#### Spikes are at the bottom. If there is any issue with that ^, pls lmk before we start!

## framework makes the game work

### contractualism vers.

#### I value morality. It must be based on our need to justify ourselves to others. Prefer:

#### Psychological consistency - Agents have an intrinsic desire to. This is key to make morals motivational. Shalvi et al 15

“Intentional Wrongdoing: Economic Benefits Versus Psychological Costs.” Self-Serving Justifications: Doing Wrong and Feeling Moral Shaul Shalvi1, Francesca Gino2, Rachel Barkan3, and Shahar Ayal4 1Department of Psychology, Ben-Gurion University of the Negev, Beersheba, Israel; 2Harvard Business School, Harvard University; 3Guilford Glazer Faculty of Management and Business Administration, Ben Gurion University of the Negev, Beersheba, Israel; and 4Baruch Ivcher School of Psychology, Interdisciplinary Center Herzliya, Israel Current Directions in Psychological Science 2015, Vol. 24(2) 125–130 © The Author(s) 2015 Reprints and permissions: sagepub.com/journalsPermissions.nav DOI: 10.1177/0963721414553264 cdps.sagepub.com https://www.hbs.edu/faculty/Publication%20Files/self-serving+justifications\_132c2494-d4a5-4292-94ee-26249cb46b6e.pdf Cw//az DOA 11/1/2019

Ethical behavior is broadly defined as acts that are “both legal and morally acceptable to the larger society” ( Jones, 1991, p. 367).1 The traditional economic approach to intentional ethical violations assumes that people bal- ance the benefits (e.g., monetary rewards) and costs (e.g., potential punishment) of unethical actions (Becker, 1968). Moving beyond this external cost-benefit analysis, a **growing body of evidence shows people exhibit** some level of **aversion to behaving unethically even when** their unethical **behavior will never be revealed** (Fischbacher & Föllmi-Heusi, 2013; Gino et al., 2009; Gneezy, 2005; Hilbig & Hessler, 2013; Lewis et al., 2012; Lundquist, Ellingson, Gribbe, & Johannesson, 2009). For instance, even when lies cannot be detected, people limit their use (Shalvi et al., 2011). Empirical evidence showing that **people’s unethical behavior is inconsistent with a cost- benefit analysis** comes from two types of studies: experi- ments that involve procedures that make cheating appear undetectable and that are based on the assumption that participants typically trust completely in what they are told about the experiment, and experiments that actually guarantee participants’ anonymity. **People avoid lying “too much” because they** experi- ence a **threat[ens] to their self-concept when they behave immorally** (e.g., Mazar et al., 2008; Sachdeva, Iliev, & Medin, 2009; Welsh & Ordóñez, 2013). Research in this line lends credence to a central premise in social psy- chology—that **people strive to maintain a positive self- image both privately and publicly** (Allport, 1955; Rosenberg, 1979). **People behave immorally only to a certain extent so that they can profit from their miscon- duct but still feel moral. Here, we propose that justifica- tions help people deal with the anticipated or experienced gap between their desire to profit by behaving immorally and their view of themselves as moral. Self-serving justi- fications attenuate the psychological costs attached to acting immorally both before and after people violate ethical rules. That is, self-serving justifications enable people to bridge two opposing desires: to profit from act- ing immorally and to see themselves as moral.** The basic idea that people use justifications to reduce their experienced internal conflicts was introduced by cognitive dissonance theory (Festinger, 1957). We advance this approach in two ways. First, although **cogni- tive dissonance theory stresses people’s desire to reduce inconsistencies created by holding contrasting beliefs** (or acting in ways that contradict their beliefs), it does not speak to deviations from accepted norms. **Ethical disso- nance results from the experienced conflict between “right” and “wrong” behaviors** (Barkan, Ayal, Gino, & Ariely, 2012). Second, our framework distinguishes between anticipated and experienced dissonance to rec- ognize different justification processes that emerge before and after an ethical violation is committed. As shown in Figure 1, temptation may lead to a moral violation—namely, a deviation from socially accepted principles or rules. One’s moral self-concept is threat- ened at two points in time: before committing a moral violation (when ethical dissonance is anticipated) and afterward (when ethical dissonance is experienced). **Self- serving justifications provide effective ways to attenuate or even eliminat[ing]e the threat to one’s moral self-concept. First, pre-violation justifications enable people to excuse misbehaviors they are about to commit as less immoral and thus reduce anticipated ethical dissonance. Second, post-violation justifications compensate for violations that people have already committed and lessen the expe- rience of ethical dissonance.** Pre-Violation Justification Route: “This Is a Gray Area” Consider a man visiting his hometown on business. To show his father he is doing well, he takes him to a fancy restaurant. Should he list the bill as a travel expense? Pre- violation justifications may help this person excuse this behavior as less immoral. He may tell himself, “The rules in such situations are not clear. After all, my father always has good business advice.” In this manner, he frames the rules in the situation as ambiguous, avoids a moral dilemma, acts as he wishes, and does not feel bad about it. Research has identified several pre-violation justifica- tions. Here, we focus on three: ambiguity, prosocial nature of the act, and moral licensing. Ambiguity **Situations in which** the **norms** or rules a**re ambiguous are ripe for pre-violation justifications** (Schweitzer & Hsee, 2002). In one experiment, participants privately rolled a die and reported the outcome to determine their pay (with higher numbers earning more money). As shown in Figure 2, only participants saw the outcomes of their rolls, a fact that eliminated the option of being caught and made cheating easy (Shalvi et al., 2011; based on Fischbacher & Föllmi-Heusi, 2013). Interestingly, when participants rolled the die three times, they reported higher numbers for the first (paid) roll then when they rolled the die only once. Why? Rolling the die once required lying by inventing a number that had not been observed, but adding two irrelevant rolls allowed people to report a high number they subsequently observed. **Inventing facts is a clear moral violation, but shuffling facts is more ambiguous and easier to justify** (Shalvi et al., 2011; Shalvi, Eldar, & Bereby-Meyer, 2012; Shalvi & Leiser, 2013). Interestingly, creative people (and people primed to think creatively) do not rely on the extra rolls to craft their lies: They lie to a high degree regardless of the number of rolls they observe. It seems creative people are more flexible in inventing facts, which allows them to use ambiguity in a self-serving manner even when they observe only one roll (Gino & Ariely, 2012). Self-serving altruism Lies causing no harm to a concrete victim but benefiting concrete others also serve as pre-violation justifications. People perceive lies as justified when they benefit both the self and another person (Erat & Gneezy, 2012). Interestingly, altruistic justifications can even turn lies that carry costs to organizations or society at large into a legitimate course of action serving a greater good. When a private roll of a die determines the payoff for a participant and a partner, the participant rolling the die becomes more willing to lie about the outcome to benefit the group (Conrads, Irlenbusch, Rilke, & Walkowitz, 2013). As the number of beneficiaries and the strength of one’s bonds to them increase, altruistic cheating does as well (and experienced guilt decreases; Gino, Ayal, & Ariely, 2013; Shu & Gino, 2012). Recent evidence revealed that one biological modulator of such other-serving dis- honesty is oxytocin, a social-bonding hormone (Shalvi & De Dreu, 2014). Moral licensing Another way that people justify their misbehaviors before engaging in them is by considering their recent prosocial actions and engaging in moral licensing (Mazar & Zhong, 2010; Monin & Miller, 2001; Sachdeva et al., 2009). Moral licensing operates like a moral balance scale. Once peo- ple collect enough moral credentials in one situation, they feel entitled to act immorally in a subsequent situa- tion. Thus, paradoxically, prosocial behavior can serve as a pre-violation justification, shielding one from feeling bad about violating moral rules. Post-Violation Justification Route: “The Violation Was Atoned For” **People** can **also experience ethical dissonance after** rather than before committing **an unethical act**. In this case, **they** seek to **minimize** such **dissonance** by engaging **in post-violation justifications** (Ayal & Gino, 2011; Barkan et al., 2012). Going back to the earlier example, if the man visiting his hometown decides to submit dinner with his father as a travel expense, he may then experience ethical dissonance because of a conflict between his moral violation and his desire to behave morally. Post- violation justifications may help this person compensate and not feel guilty for the violation. He may tell himself**, “The panhandler sitting outside the restaurant would not have gotten my $5 if I had stayed home for dinner**.” The man would thus reduce ethical dissonance and compen- sate for his questionable act (declaring a social dinner as business related) by doing a subsequent good deed (giv- ing money to someone in need). Research has identified several psychological mechanisms people use as post- violation justifications. Here, we focus on three: **cleans- ing, confessing, and distancing.**

#### Plurality - agents differ in “good” and “bad” - reconciliation requires justification to allow action – else prioritization is arbitrary, making it impossible to evaluate between moral decisions. This solves egoism – agents are forced to take account for other’s perspectives.

#### Thus, acts are wrong because individuals can reject them, not due to other inherent properties. Principles are impermissible if someone reasonably rejects them -- not just some external harm suffered but also the way a principle imposes a burden. Other accounts of wrongness are derivative since they don’t explain why particular moral goods matter; I might regard pleasure as good, but it doesn’t relate to how others ought to treat me, Parfit 09

Derek Parfit. Climbing The Mountain. 2009. Cw//az recut

Scanlonian Contractualism may seem to be, not merely plausible, but undeniable. Suppose I claimed: **Though my act is disallowed by some principle that no one could reasonably reject, I deny that such acts are wrong**. **This claim may seem close to a contradiction. Though I am rejecting this principle, I am also conceding, it seems, that this rejection is unreasonable. And, if my rejection of some principle is unreasonable, it could not be justified.**

#### The standard(/rotb) is consistency with contractualist reasonable rejection. To clarify, the aff proves subsidies for fossil fuels can be reasonably rejected.

#### implications:

#### Aggregation is impossible it assumes that goods can be isolated independently of the agent – but goods are agent dependent which requires understanding how they’re indexed before summing them up. Means my framing is a pre-requisite.

#### Intentions are irrelevant to the moral character of an action. If I do a good action for a bad reason I have still acted in a permissible reason. The moral fault comes from my character not the action. Evaluating two actions as different purely because of a difference in intent would make morality non-verifiable since we can’t perceive intentions outside of actions and their results.

#### Affirm: Self-bonding agreements, where corporations don’t give collateral to mine, enable companies to exploit land and leave without cleaning up the mess they made, Roberts 16

“As coal companies sink into bankruptcy, who will pay to clean up their old mines?” By David Roberts. Vox. Sep 2, 2016, 1:50pm EDT <https://www.vox.com/2016/9/2/12757074/coal-bankruptcy-mine-cleanup> [covering climate change, clean energy and the politics of both at Vox.com. His work has been featured in The Chicago Tribune, Reuters and The Atlantic and he has made appearances on CNN and the Canadian Broadcasting Corporation. Before moving to Vox in 2015, he wrote for Grist.org on the same subjects for 10 years.] cw//az DOA 10/30/2019

In the case of Peabody and other coal companies, however, there’s another sort of flab, er, liability at issue, for which there is less precedent in bankruptcy court: namely, environmental remediation obligations. Put more simply: **Who’s going to pay to clean up all those old mines**? Coal companies promise to pay for mine cleanup, really and for true **The Surface Mining Control and Reclamation Act of 1977 says that coal companies have to clean up old mines and reverse their environmental damage**, costs which can run to the hundreds of millions. **Before they receive a permit for a new mine**, coal **companies have to prove that they can afford to clean it up**. They do so **by posting a bond. T**hese days, **however**, **coal companies** rarely have to meet this requirement. Instead, they are allowed to "**self-bond**," which amounts to **promising the states they operate in that they can pay for mine cleanups.** This cozy arrangement between coal companies and state regulators is longstanding, but it has come under increased scrutiny lately, as coal **companies** have tried to **use bankruptcy to squirm out of those obligations. Wyoming** just struck a deal with (bankrupt) Arch Coal to "**accept** up to $**75 million in place of** the company’s $**486 million in bonding obligations**." That means if Arch Coal liquidates, Wyoming is first in line to collect at least $75 million in assets. **Who will cover the $411 million in remaining cleanup costs? Taxpayers.** And it’s not an isolated case; there’s a lot of dough at stake. **In addition to the $9 billion in mine cleanup costs already outstanding under the Abandoned Mine Land Program (covering mines abandoned before 1977), "officials estimate that roughly $3.6 billion in self-bond liabilities could fall to taxpayers."** **That would amount to a $3.6 billion subsidy to big coal**, the latest (maybe the last**?) in a century-long tradition of subsidies**. Worries about self-bonding led WildEarth Guardians and other environmental groups to file a petition to the Office of Surface Mining Reclamation and Enforcement (OSMRE) in March, asking the agency to ensure that "companies with a history of financial insolvency are not allowed to self-bond coal mining operations." In August, OSMRE announced that it was beginning the rule-making process for strengthening self-bonding regulations. Separately, it issued a rare policy advisory, counseling states to crack down on the practice. In June, Sens. Maria Cantwell (D-WA) and Dick Durbin (D-IL) introduced the Coal Cleanup Taxpayer Protection Act, which would prohibit self-bonding. The bill won’t go anywhere, Congress being Congress, but it’s a clear sign that **self-bonding has lost its social license.** Which brings us back to Peabody. peabody stock price The sad story of Peabody’s stock price. (Yahoo Finance) Peabody is on the hook for lots of cleanup costs … Peabody has an estimated $1.4 billion in self-bonded cleanup obligations. In July, a federal bankruptcy judge ruled for the first time ever that environmental organizations were parties of interest in the bankruptcy proceeding and could argue that Peabody should fully meet its cleanup obligations. "Per the above decision," writes ClimateNexus, "several organizations filed formal complaints in Wyoming, Illinois and Indiana arguing that states should require Peabody to set aside full funds for reclamation as part of any restructuring plans." **Full funding was not to be had, however. In August, Peabody won court approval for deals with Wyoming, New Mexico, and Indiana in which it put up cash covering 17.5 percent of its self-bonding obligations — $127, $32, and $17 million respectively. If** Peabody goes under (again, completely) and bails on cleanup, who will cover the remaining 72.5 percent of costs? Taxpayers. … but it says, implausibly, that continued self-bonding will work just fine Peabody also submitted its five-year business plan to the Securities and Exchange Commission in August, and received approval from lenders. The plan is important, because for Peabody to argue that it should be able to continue self-bonding any of its environmental obligations, it needs to show that it has a viable plan to emerge from bankruptcy into financial health. Remember, the whole premise of self-bonding is that it’s a special arrangement for companies that have enough cash to cover the costs. According to a new brief from the Institute for Energy Economics and Financial Analysis (IEEFA), however, Peabody’s five-year plan is "not credible." First, the company’s production projections are optimistic to the point of delusion. It says that the US coal industry overall will increase production by 20 to 25 million tons annually between 2016 and 2021 (despite the fact that demand has been declining). Yet during the same period, it projects that annual production at its own Powder River Basin (PRB) mines will increase by 31 million tons, from 100 million to 131 million. Somehow, then, the rest of the industry is going to continue losing customers and scaling down while Peabody flourishes, responsible for all net new coal production in the next five years, and more. That is … dubious. coal production revenue by type Those numbers look awfully negative. (RHG) Second, the company acknowledges that its per-ton revenues from PRB coal will decline by 8 percent over the next five years, but says it will maintain its current profit margins through (wait for it) cost-cutting. Historically, though, costs have been rising. And the estimate Peabody uses for the price of oil (diesel oil is a big part of its costs) is far below more credible projections from EIA and World Bank. The cost-cutting numbers verge on magical thinking. Third, it overstates its assets, claiming 6.3 billion tons in "proved and probable" reserves, though extracting anything close to that is highly unlikely given its thin margins, declining per-ton revenue, and overly bullish cost-cutting projections. To its environmentalist critics, who question whether putting up cash to cover 17.5 percent of its cleanup obligations is sufficient given the company’s, ahem, "history of financial insolvency," Peabody responded, in effect, tough shit. The states in question offered the company sweetheart deals, and it’s not within OSMRE’s jurisdiction to overturn them. **Given OSMRE’s recent rule-making, however, that seems at least an open question. Taxpayers may get screwed by Big Coal one last time as it exits stage left** What if, as is entirely plausible, Peabody emerges from bankruptcy, crashes up against a terrible market, and goes bankrupt again? (Patriot Coal is currently emerging from its second bankruptcy.) What happens to its cleanup obligations in that case? I asked Tom Sanzillo, **IEEFA’s Director of Finance and author of the brief. Legally speaking, he said, "it is a vagary." There isn’t much precedent to go on. Hmm. Okay then, putting aside the company’s own inflated projections, what would it take for Peabody to regain its financial health, such that it could be trusted to meet those obligations? "They would have to close several of their mines" and consolidate, effectively becoming a much smaller company**, Sanzillo said. "Absent that, there’s no chance. Even if that occurs, it may not work." **There are simply "too many companies," he said, "selling too much coal to too few customers**." Peabody doesn’t want to sell its mines, though, and even if it did it would have trouble finding buyers. (Despite what it says in its rose-colored business plan, those mines aren’t worth much.) It doesn’t just want to close them down, either, since that means acknowledging grim market conditions, spooking investors, and triggering cleanup costs. So instead, the company is whistling past the graveyard, issuing starry-eyed business plans and paying its executives big bonuses. **And given the latitude bankruptcy judges have shown coal companies so far, there’s a good chance the court won’t stop it.**

#### that affirms under contractualism: 1] taxpayers’ money is distributed towards companies that don’t receive benefits like jobs in return

#### 2] unequal distribution - companies profit but people pay environmental costs, which they'd never agree to.

#### 3]When people mess up their jobs, there's repercussion, e.g. demotion, but these contracts don’t allow that so companies have arbitrarily distinct obligations

#### Towns like Flint, Michigan are everywhere when abandoned mines poison water supplies – having a consistent source of funding is key, brown 2/20

50M gallons of polluted water pours daily from US mine sites By MATTHEW BROWN February 20, 2019 <https://www.apnews.com/8158167fd9ab4cd8966e47a6dd6cbe96> cw//az DOA 10/30/2019

RIMINI, Mont. (AP) — Every day many **millions of gallons of water loaded with arsenic, lead and other toxic metals flow from** some of the most **contaminated mining sites** in the U.S. and **into surrounding streams and ponds without being treated,** The Associated Press has found. That torrent is **poisoning aquatic life and tainting water supplies in Montana, California, Colorado, Oklahoma and at least five other states.** The pollution is a legacy of how the mining industry was allowed to operate in the U.S. for more than a century. **Companies that built mines** for silver, lead, gold and other “hardrock” minerals could **move on once they were no longer profitable**, **leaving** behind **tainted water that still leaks out of the mines** or is cleaned up at taxpayer expense. Using data from public records requests and independent researchers, the AP examined 43 mining sites under federal oversight, some containing dozens or even **hundreds of individual mines.** The records show that at average flows, more than **50 million gallons** (189 million liters) of contaminated wastewater streams daily from the sites. In many cases, it runs untreated into nearby groundwater, rivers and ponds — a roughly **20-million-gallon** (76-million-liter) **daily dose of pollution that could fill more than 2,000 tanker trucks. The remainder of the waste** is captured or treated in a costly effort that will need to **carry on indefinitely, for perhaps thousands of years,** often **with little hope for reimbursement**. The volumes vastly exceed the release from Colorado’s **Gold King Mine** disaster in 2015, when a U.S. Environmental Protection Agency cleanup crew inadvertently triggered the **release** of 3 million gallons (**11.4 million liters) of** mustard-colored mine **sludge**, **fouling rivers in three states**. At many mines, the pollution has continued decades after their enlistment in the federal **Superfund** **cleanup** program for the nation’s most hazardous sites, which **faces** **sharp cuts under** President Donald **Trump**. **Federal officials have raised fears that at least six of the sites examined by AP could have blowouts like the one at Gold King.** Some sites feature massive piles or impoundments of mine waste known as **tailings**. A tailings dam **collapse** in Brazil last month **killed** at least **169** people and left **140 missing.** A similar 2014 accident in British Columbia swept millions of cubic yards of contaminated mud into a nearby lake, **resulting in** one of Canada’s **worst** environmental **disasters**. But even short of a calamitous accident, many mines pose the chronic problem of relentless pollution. **AP also found mining sites where untreated water harms the environment or threatens drinking water supplies in North and South Carolina, Vermont, Missouri and Oregon.** TAINTED WELLS In mountains outside the Montana capital of Helena, about 30 **households can’t drink their tap water because groundwater was polluted by about 150 abandoned gold, lead and copper mines that operated from the 1870s until 1953.** The community of Rimini was added to the Superfund list in 1999. Contaminated soil in residents’ yards was replaced, and the EPA has provided bottled water for a decade. But polluted water still pours from the mines and into Upper Tenmile Creek. “The fact that bottled water is provided is great,” said 30-year Rimini resident Catherine Maynard, a natural resources analyst for the U.S. Department of Agriculture. “Where it falls short is it’s not piped into our home. Water that’s piped into our home is still contaminated water. Washing dishes and bathing — that metal-laden water is still running through our pipes.” **Estimates of the number of such abandoned mine sites range from 161,000 in 12 western states to as many as 500,000 nationwide. At least 33,000 have degraded the environment, according to the Government Accountability Office, and thousands more are discovered every year. Officials have yet to complete work including basic risk analy[z]**~~s~~**es on about 80 percent of abandoned mining sites on federal lands. Most are controlled by the Bureau of Land Management, which under Trump is seeking to consolidate mine cleanups with another program and cut their combined 2019 spending from $35 million to $13 million.** The La Plata County Sheriff's Office, takes a water sample from the Animas River near Durango, Colo. on Aug. 6, 2015. (Jerry McBride/The Durango Herald via AP, File) PERPETUAL POLLUTION Problems at some sites are intractable. Among them: — In eastern Oklahoma’s Tar Creek mining district, **waterways are devoid of life and elevated lead levels persist in the blood of children despite a two-decade effort to clean up lead and zinc mines. More than $300 million has been committed since 1983, but only a small fraction of the impacted land has been reclaimed and contaminated water continues to flow.** — At northern California’s Iron Mountain Mine, **cleanup teams battle to contain highly acidic water that percolates through a former copper and zinc mine and drains into a Sacramento River tributary. The mine discharged six tons of toxic sludge daily before an EPA cleanup. Authorities now spend $5 million a year to remove poisonous sludge that had caused massive fish kills, and they expect to keep at it** **forever**. MINE SITE CONTAMINANTS AP Graphic/Phil Holm — In Colorado’s San Juan Mountains, site of the Gold King blowout, some **400 abandoned or inactive mine sites contribute an estimated 15 million gallons (57 million liters) of acid mine drainage per day**. **AP also found mining sites where untreated water harms the environment or threatens drinking water supplies in North and South Carolina, Vermont, Missouri and Oregon.** This landscape of polluted sites occurred under mining industry rules largely unchanged since the 1872 Mining Act. State and federal laws in recent decades have held companies more accountable than in the past, but critics say huge loopholes all but ensure that some of today’s mines will foul waterways or require perpetual cleanups. To avoid a catastrophe like Gold King, EPA officials now require advance approval for work on many mining sites. But they acknowledge they’re only dealing with a small portion of the problem. “We have been trying to play a very careful game of prioritization,” said Dana Stalcup, deputy director of the Superfund program. “We know the Superfund program is not the answer to the hundreds of thousands of mines out there, but the mines we are working on we want to do them the best we can.” The 43 sites examined by AP are mining locations for which officials and researchers have reliable estimates of polluted water releases. Officials said flow rates at the sites vary. Average flows were unavailable for nine sites that only had high and low estimates of how much polluted water flowed out. For those sites, the AP used the lower estimates for its analysis. QUESTIONS OVER WHO SHOULD PAY To date, the EPA has spent an estimated $4 billion on mining cleanups. Under Trump, the agency has identified a small number of Superfund sites for heightened attention after cleanup efforts stalled or dragged on for years. They include five mining sites examined by AP. Former EPA assistant administrator Mathy Stanislaus said more **money is needed to address mining pollution on a systematic basis, rather than jumping from one emergency response to another.** “The **piecemeal approach is just not working**,” said Stanislaus, who oversaw the Superfund program for almost eight years ending in 2017. Democrats have sought unsuccessfully to create a special cleanup fund for old hardrock mine sites, with fees paid by the mining industry. Such a fund has been in place for coal mines since 1977, with more than $11 billion in fees collected and hundreds of sites reclaimed. The mining industry has resisted doing the same for hardrock mines, and Republicans in Congress have blocked the Democratic proposals. Montana Mining Association director Tammy Johnson acknowledged abandoned mines have left a legacy of pollution, but added that companies still in operation should not be forced to pay for those problems. “Back in the day there really wasn’t a lot known about acid mine drainage,” she said. “I just don’t think that today’s companies bear the responsibility.” In 2017, **the EPA proposed requiring companies still operating mines to post cleanup bonds or offer other financial assurances so taxpayers don’t end up footing cleanup bills. The Trump administration halted the rule** , but environmental groups are scheduled to appear in federal court next month in a lawsuit that seeks to revive it. “When something gets on a Superfund site, that doesn’t mean it instantly and magically gets cleaned up,” said Earthjustice attorney Amanda Goodin. “**Having money immediately available from a responsible party would be a game changer.”**

#### Only a complete elimination solves – financial reforms are misrepresented and fluctuate, Cohn 18

Dan Cohn. “Now is the time to **end self-bonding**: Why **Congress and states should act now to strengthen coal mine reclamation bonds**.” April 2018. Western Organization of Resource Councils [WORC is a regional network of grassroots community organizations that include 15,190 members and 39 local chapters. WORC’s network includes: Dakota Resource Council (North Dakota); Dakota Rural Action (South Dakota); Idaho Organization of Resource Councils; Northern Plains Resource Council (Montana); Oregon Rural Action; Powder River Basin Resource Council (Wyoming); Western Colorado Congress and Western Native Voice (Montana). WORC’s mission is to advance the vision of a democratic, sustainable, and just society through community action. WORC is committed to building sustainable environmental and economic communities that balance economic growth with the health of people and stewardship of their land, air, and water.] cw//az

The purpose of reclamation bonds is to maintain a stable store of value that will be accessible to state regulators should a coal mine operator abandon a mine. Reclamation bonding was written into SMCRA in order to avoid replicating the situation of the country’s early coalfields: that of **abandoned mine** lands that continued to **damage the environment and pose health and safety hazards to residents** of the coalfields for decades, centuries or, in some cases, **in perpetuity.** Self-bonding fails to meet these requirements on many fronts.

Self-bonds fail at the moment when reclamation bonds are most needed. **Eligibility for self- bonds are related to company valuations, which change over time, sometimes rapidly. The purposes of reclamation bonding require stable, long-term stores of value that are readily liquid in the event of bond forfeiture. Self-bonds are neither readily liquid nor stable, long-term stores of value. They become worthless when a coal company is in financial distress or has abandoned its mine, which is precisely the moment when a secure reclamation bond is most needed.**

**Eligibility** for self-bonding **is determined using inadequate standards.** Coal companies may qualify to self-bond based on (i) their credit rating from Moody’s or Standard & Poors or (ii) certain corporate financial ratios. Although credit ratings may be sometimes influenced by lobbying from the rated company, the **mechanical use of** the **financial ratios in** question **is particularly inappropriate** in this case.

Federal rules outline two ratios: total liabilities to net worth must be 2.5 or less, and current assets to current liabilities must be 1.2 or greater. These ratios take a stab at characterizing a company’s scale of liabilities and its ability to continue meeting its financial commitments. Although liabilities tend to be fairly easy to quantify, accounting rules allow some **liabilities** to be **recorded “off balance sheet,” resulting in their being hidden from some analyses.** More important, accounting rules result in asset valuations being **not typically adjusted for adverse market conditions. This makes net worth**—a comparison of assets to liabilities—a **useless measure of creditworthiness when the bottom is falling out of an industry.**

**It’s difficult to determine at what price a tract of coal, land, or a coal mine should be valued, because mines are not regularly bought and sold.** Yet companies must assign a dollar value to coal, mines, and land for company accounting to function. These asset valuations are frequently little more than hypothetical. Consider that **Peabody** Energy **slashed** its **estimation** of its land and coal interests by **63%,** from $10.3 billion down to $3.8 billion, as a result of “fresh start accounting” following its emergence from bankruptcy, and took a separate $2.2 billion write-down of its buildings and machinery.11 The new figures reflect the value of Peabody’s portfolio in today’s shrunken market for coal, **but were not used in Peabody’s pre-bankruptcy accounting or self-bond applications. Th**e same adverse economic conditions are reflected in the rare instances in which land and coal interests in the Powder River Basin have been recently sold: **mines have sold for bargain-basement prices, or for no cash at all**.12 Although the coal industry’s downturn has revealed that **asset values are often arbitrary and unconnected to present economic conditions, federal self- bonding rules accept them** blindly **as the basis to determine eligibility for self-bonding**. A reliable evaluation of a company’s creditworthiness for self-bonding should involve a comprehensive analysis of a company’s ability to meet its financial commitments. The credit ratings industry already performs this analysis, and, indeed, a coal company may qualify for self-bonding using such ratings. These analyses often consider an alternative set of financial ratios dictated by a coal company’s agreements with its creditors, which often compare expenses and debt loads to earnings rather than asset values. In short, self- bonding eligibility criteria measure the wrong ratios. **Because they shed little light on the creditworthiness of a self-bond guarantor, it is inappropriate to rely on them as indicators of the value of self bonds.**Some companies have made use of a “subsidiary loophole.” Current rules governing eligibility for self-bonds do not require regulators to consider the financial stability or turmoil of an ultimate parent entity – the entity at the top of the corporate family tree. Instead, coal companies may submit the financial statements of a “mid-stream” subsidiary, even one that is pledged as collateral for the debt of its ultimate parent entity. Self-bonds may be approved based on the misleading financial information of this mid-stream subsidiary. This is the primary reason Arch Coal and Peabody Energy were able to maintain self-bonds into bankruptcy.Allowing financially **unstable companies** to **self-bond defeats** the entire purpose of reclamation **bonding.** Federal regulations allow **self-bonds** to be **guaranteed by** a mine operator, a **parent entity (**known as a “corporate guarantee”) or a non-parent entity (“non- parent corporate guarantee”). This has allowed wholly-owned **mid-stream subsidiaries** of major coal mining companies (such as “Arch Western Resources” or “Peabody Investments Corporation”) to **serve** as self-bond guarantors **even where** the ultimate **parent** entity (Arch Coal, Inc., and Peabody Energy Corporation, respectively**) did not qualify for self-**bonding. In essence, current self-bonding rules allow **shell companies to guarantee** self-bonds.13 Peabody’s and Arch’s mid-stream subsidiaries that guaranteed self-bonds were not financially solvent on an independent basis from their respective ultimate parent entities. The mid-stream subsidiaries filed bankruptcy simultaneously with their ultimate parent entities. The reason was that the mid-stream subsidiaries were pledged as collateral for the ultimate parent entity’s corporate debt, an arrangement known as an “upstream guarantee.” Without simultaneous filings for bankruptcy protection, creditors could complicate bankruptcy proceedings by laying claim to the mid-stream subsidiaries outside of bankruptcy court. **Regulators face a dilemma when forcing the replacement of self-bonds. Federal and state rules allow regulators to require self-bond replacement, often over a period of 90 days, if a company ceases to be eligible for self-bonding. The act of replacing self-bonds forces a company to commit its dwindling liquidity as collateral for new bond instruments, and struggling companies may not be able to secure replacement bonds on affordable terms. This means that by the time a company is no longer eligible for self-bonding, it may be too late to replace the self-bonds with effective financial guarantees.Hence, the regulator’s dilemma: self-bonds must be replaced when there is danger that a company is headed toward insolvency, but self-bond replacement will hasten the insolvenc**y.14 In fact, Alpha Natural Resources cited the moves by Wyoming and West Virginia regulators to replace its self-bonds when filing for bankruptcy.15

**Companies were not meant to carry self-bonds into bankruptcy, but those that do have significant leverage when negotiating with regulators over future reclamation bonding**. Alpha Natural Resources entered bankruptcy with over $655 million in self-bonds ($411 million in Wyoming), while Arch Coal and Peabody Energy entered bankruptcy with $486 million and $1.2 billion of self-bonding, respectively. Federal and state laws prohibit coal mining where sufficient reclamation bonds are not in place, but each of these companies was able to continue mining through bankruptcy reorganization with inadequate bonds by leaning on the threat of liquidation. In a liquidation, the entire costs of unfunded cleanup would be transferred to state and federal taxpayers. This served as leverage for the companies to strike deals with regulators that allowed them to continue **mining during bankruptcy** without substantially replacing self-bonds. It was only at the end of each bankruptcy proceeding that Alpha, Arch, and Peabody were forced to agree to replace their self-bonds. How could **self-bonding** be **end**ed? Self-bonding is authorized in statute under SMCRA but no state is required to allow it. 30 U.S.C. § 1259(c) states: (c) Bond of applicant without separate surety; alternate system The regulatory authority may (emphasis added) accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the regulatory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount or in lieu of the establishment of a bonding program, as set forth in this section, the Secretary may approve as part of a State or Federal program an alternative system that will achieve the objectives and purposes of the bonding program pursuant to this section. Until SMCRA is amended to remove any authorization for self-bonding, the practice will have a legal basis in federal law. However, **state regulators with primacy to implement SMCRA** **may** tighten eligibility criteria for self-bonding or even **prohibit self-bonding** outright in their state. Several states, including **Montana, have done so. Due to the flaws inherent in self-bonding, it is not a reliable instrument to guarantee coal mine reclamation. Although no bonding instrument is risk-free, the fatal flaws in self-bonding should proscribe its future use.** The most recent wave of bankruptcies within the coal sector should serve as a warning to current and future regulators. The ongoing structural decline of the coal industry has increased the chance that future bankruptcies will result in liquidation of self-bonded companies. In a liquidation, coal mine regulators would be forced to “forfeit,” or cash in, self-bonds. Needless to say, this would leave coal mine regulators without sufficient funds to complete reclamation. Had Alpha, Arch, or Peabody liquidated rather than reorganized during bankruptcy, the public would have been left to pick up the bill of over $2,300,000,000. It is a major victory for taxpayers and the public purse to have forced that $2.3 billion in self-bonds to be replaced through their bankruptcy proceedings. In light of this close call, **efforts to end** or reform **self-bonding should proceed apace.** • To protect coalfield communities from the threat of abandoned reclamation, self**-bonding should be prohibited by a change to federal statute. S**uch legislation has been introduced in the current session of Congress as S. 800, the “Coal Cleanup Taxpayer Protection Act,” sponsored by Sen. Maria Cantwell (D-WA). 16 • **Federal regulators at the Office of Surface Mining Reclamation and Enforcement should expedite the rulemaking entitled, “Ensuring That Companies With a History of Financial Insolvency, and Their Subsidiary Companies, Are Not Allowed to Self-Bond Coal Mining Operations**,” and should propose and finalize new rules that strictly limit eligibility for self-bonding.17 • The Office of Surface Mining Reclamation and Enforcement should reinstate its “Poli- cy Advisory” on self-bonding, signed Aug. 5, 2016, and rescinded Oct. 12, 2017. • **States should move forward with rulemaking and policy to end the use of self-bond- ing within their jurisdiction.**

#### Reclamation is effective and flexible for purposes around the world-- even coal companies admit, hayes 15

30th Dec 2015 By Jason Hayes, Associate Director, American Coal Council “Returning Mined Land to Productivity Through Reclamation.” First published in Cornerstone, Volume 3, Issue 4 https://www.worldcoal.org/returning-mined-land-productivity-through-reclamation cw//az DOA 10/30/19

**Each coal mine has a limited life span due to the finite nature of the resource** being extracted. Eventually the resource is exhausted, or **the point is reached at which it is no longer profitable to extract for any number of reasons, such as increasing mine depth**, increasing strip ratios, changing regulations, or market pressures. **When** extractive **activities cease, restoration processes** must be **completed**, although they normally begin far sooner. In fact, reclamation processes typically begin while active mining is still occurring in another area of a mine. Thus, **mining and restoration can be completed continuously** and progressively throughout the life of a mine. The **costs** associated with these restoration activities **can be substantial:** One estimate suggests **US$1.5 million per mine,** although varied mine sizes, regulatory regimes, or the presence of legacy reclamation costs could result in wide fluctuations in cost. Today, in many parts of the world, reclamation and restoration plans must be prepared prior to mining. An improved understanding of the potential impacts of industrial activities, societal attitudes toward mining, increasingly stringent regulatory regimes, and dynamic market conditions now typically require companies to state clearly how their operating area will be restored before mining can begin. There are various approaches to reclamation, and collaborative efforts between industry and government can help to improve mine management and reclamation processes. Thus, best practices and select case studies are worth exploring to highlight examples of successful mine closure and remediation. The process of reclamation Reclamation can be roughly defined as the replacement of soil materials—often to approximate original contour—and revegetation of mined areas or areas adjacent to mines that have been affected by mining activities. An alternative definition, offered by the International Energy Agency’s Clean Coal Centre, is “the process of repairing any negative effects of mining activities on the environment”. Reclamation activities sometimes can also employ passive means of ecosystem restoration—wherein a less intensive management approach is taken and, for example, flora and fauna are allowed to self-colonize after soil replacement and stabilization are completed. However, the vast majority of contemporary reclamation and restoration efforts are based on technical reclamation, which exceeds simply repairing the affected property. Technical reclamation activities often aim to proactively manage a mined area for specific natural or recreational value, or other human uses, which can include infrastructure needs such as airports, schools, or shopping centres. Reclamation activities can also target agricultural or silvicultural (i.e., forestry) objectives. Plans to return mined areas to a more natural state, focusing on soil, vegetative, wildlife, and/or water management values, can also play a large role in guiding reclamation activities. Both underground and opencast mines require reclamation, but the approaches are different. Reclamation activities for underground mines will typically require less above ground activity, but can necessitate extensive management to avoid drainage and flooding issues after mine closure. **This management can involve techniques such as filling of excavated areas with mine spoil or fly ash and diverting or controlling the flow of groundwater to keep it from entering existing mine structures. Doing so avoid[ing]s the risk of rising water becoming contaminat[ion]ed by dissolved metals and other substances and potentially being discharged into rivers and streams. Notably, higher levels of calcite or carbonates in the rock, however, may neutralize acidic mine water, allowing metals to stay immobile. Reclamation of opencast mines typically involves replacement of overburden that was removed or repositioned to access buried coal layers. When excavated areas are built up, re-landscaping or recontouring is completed along with drainage control measures. Recontouring will be guided by mine plan objectives (i.e., the intended end use for the land). Where natural processes are sought, recontouring will typically attempt to return landforms to the mine site’s approximate original contour, or to mimic natural contours. Where other human uses are planned for, the land will often be leveled or shaped in a manner that improves access or aids in future infrastructure development.** Ensuring best practices on reclamation **The time frame extending from exploration to post-reclamation and closure requires decades. In many cases, reclamation processes—which can include the mine closure and decommissioning stage, as well as the post-closure stage—can require as long as, or even longer than, the combined previous stages of exploration, site construction, and mining. Even with mining plans in place, mining can substantially affect local or regional environments. Proper reclamation of mine sites, however, can avoid many risks, including unstable spoil piles, acid drainage and water quality issues, and potential cave-ins. Best practice reclamation activities are designed to limit or avoid these impacts to the greatest degree possible.** Although fully listing the legislative, regulatory, or best practices standards governing global mine reclamation is outside the scope of this article, a few prominent examples are worth highlighting. For example, general requirements for the approval of mining permits could resemble the conservation practice standards published by the Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA). NRCS describes a threefold purpose for land reclamation: Prevent negative impacts to soil, water, and air resources in and near mined areas Restore the quality of soils to their pre-mining level Maintain or improve landscape visual and functional quality Australia’s Department of Industry Tourism and Resources gives similar guidance for land reclamation, but also encourages consultation, reporting, and monitoring with stakeholders during mine plan development and mining activities. Companies are also urged to rehabilitate progressively through the full life cycle of the mine and, where possible, to manage and rehabilitate historical disturbances. Expanded regulatory oversight combined with a trend toward a lesser number of larger, mechanized mining operations that are governed by binding mining plans are decreasing concerns about unregulated or unmonitored activities. Righting the past Employing best practices during contemporary mine reclamation helps to avoid the challenges associated with mines that were not properly reclaimed in the past. The varied nature of reporting measures and regulatory regimes governing mine management worldwide are compounded by the fact that many private or unregulated mines have been created, especially in developing nations where regulatory oversight may not yet be as thorough. Thus, it is difficult—if not impossible—to get a full count of the number of abandoned coal mines worldwide. The legacy of abandoned mines, however, is being addressed in many areas. For example, since the passage of the 1977 Surface Mining Control and Reclamation Act (SMCRA) in the U.S., direct fees have been collected by government agencies from existing coal mining companies. **Various states and Native American tribes have used over US$4.06 billion of those funds to reclaim almost “240,000 acres of hazardous high-priority coal-related problems”**. As described by the UK Environment Agency (2008), six similar programs are being carried out across the UK and internationally. Reclamation collaboration Collaborative efforts between mining companies and conservation organizations can promote successful mine reclamation as these organizations can lend expertise in developing best practices for wildlife, water, plant, and/or soil management. Demonstrating a transparent working relationship with conservation groups and other stakeholders can also help regulatory agencies when reviewing permit applications. If these agencies observe widespread support for mine plans and objectives and are convinced the area will be properly reclaimed and managed in the post-mining stages, permit approvals can likely be obtained much more easily. One example of a collaborative effort is the U.S.-based Appalachian Wildlife Foundation’s Mine Land Stewardship Initiative (MLSI), which enables industry to pair with conservation organizations to move ahead in a challenging regulatory environment. The MLSI is working to design voluntary reclamation standards that “elevate the overall ecological performance of the coal industry” and help to enhance: Conservation and restoration of ecosystem services Conservation and restoration of wildlife habitat Protection of water quality Recreational opportunities for mining communities Scientific and technical knowledge needed to protect and restore wildlife and aquatic habitats on mine lands Efforts like the MLSI are a positive and proactive approach to reduce confusion and litigation, increase stakeholder involvement and buy-in, improve transparency, and ensure the highest standard of reclamation is carried out. **Bonding and financial assurance Even with proactive management efforts like the MLSI, reclamation can be an expensive endeavour. As the mine will not continue producing saleable material, no additional income will be brought in after operations cease. Therefore, most regulatory agencies require some form of a financial safety net, or bonding, to ensure sufficient funds are available for reclamation even if a bankruptcy occurs. In this manner, company insolvency or an abandoned mine will [to] not impose mine closure and reclamation costs on taxpayers**. While having adequate funds for reclamation is clearly important, public policy must recognize that environmental protection, reclamation in this case, must be balanced with financial realities to avoid stifling economic activity and to allow mining companies to operate profitably. The International Council on Mining and Metals (ICMM) has reported that expectations from an increasingly risk-averse public and government have been forcing assurance costs higher. The ICMM described how, in 1998, a mining company based in Australia had “identified more than 1,056 financial assurance instruments in place in four countries, which represents a contingent liability of greater than AUD$20 million. By 2004 the comparative amount had risen to AUD$60 million". ICMM expressed concern that setting aside growing levels of operating funds in bonds restricts investment and operational flexibility. In fact, increasingly conservative expectations of certainty relating to environmental protection could place such strict financial and administrative pressures on mining companies that mining projects could be cancelled as uneconomic. Case study Numerous mines around the world are demonstrating successful reclamation projects. One such project is Coal-Mac Mining’s Phoenix #2 surface mine in West Virginia, U.S. The Phoenix #2 mine was the recipient of the U.S. Office of Surface Mining’s 2010 Excellence in Reforestation Award for almost a decade’s worth of reclamation efforts and implementation of the Appalachian Regional Reforestation Initiative’s (ARRI) Forest Reclamation Approach (FRA). ARRI is a working group comprised of citizen representatives, industry, academia, and government, and was formed to encourage planting of productive trees on reclaimed coal mine lands and abandoned mine lands. FRA is a means by which mining companies and forest managers can improve forest productivity, wildlife habitat, floral diversity, and water management on reclaimed mine lands. **The FRA is made up of five steps: Create a suitable rooting medium for good tree growth that is no less than four feet deep and comprised of topsoil, weathered sandstone, and/or the best available material. Loosely grade the topsoil or topsoil substitutes established in step one to create a non-compacted growth medium. Use ground covers that are compatible with growing trees. Plant two types of trees: (a) early succession species for wildlife and soil stability and (b) commercially valuable crop trees** Use proper tree planting techniques Phoenix #2 mine is a 560-acre (227-ha) operation, originally permitted in January 2001 under the approximate original contour (AOC)-plus backfill guidelines. Under these guidelines, final backfill elevations were established to mimic the natural terrain of West Virginia, avoid soil compaction, and enhance post-mine land use. Conclusions Finite resources entail a finite mining life cycle. As coal reserves in a mine are removed or become uneconomical to continue mining, reclamation activities will replace removed soil and/or substrate materials and revegetate the mine in an effort to (1) return it to as close to natural state as possible or (2) redesign landforms to allow improved human access to, or use of, an area. **Key objectives in reclamation activities are to reduce potential damage and prevent negative impacts to the natural environment in and near mined areas, to restore the viability and growing potential of soils to their pre-mining level, and to maintain or improve landscape visual and functional quality. Reviewing effective examples of mine reclamation from around the globe, such as those profiled in this issue, allows the extractive industry to develop a suite of best practices for successfully reclaiming mined areas. These properly reclaimed mines can provide essential lessons on technology, policy, and collaboration and serve as the gold standard for mine reclamation efforts.**

#### Advocacy text: Resolved: The United States federal government and relevant subfederal actors ought to eliminate self-bonding fossil fuel subsidies. Neg should check all interps in cross-ex, there’s infinite violations with bidirectional interps. If you want, I’ll defend the mechanisms of H.R. 4364, the Bonding Reform and Taxpayer Protection Act. I’ll defend corporations as legal forms of business separate from owners, a separate legal entity from its shareholders.[[2]](#footnote-2) GAO 18. santa

COAL MINE RECLAMATION Federal and State Agencies Face Challenges in Managing Billions in Financial Assurances March 2018. United States Government Accountability Office Report to Congressional Requesters. https://www.gao.gov/assets/700/690476.pdf cw//az Accessed 10/28/19

Matter for Congressional Consideration Congress should consider amending SMCRA to **eliminate the use of self- bonding as** a type of financial **assurance for coal mine reclamation**. (Matter for Consideration 1)

#### The aff is topical; Redman 17

Janet Redman et al 17 ~Janet Redman "Dirty Energy Dominance: Dependent on Denial," No Publication, http://priceofoil.org/content/uploads/2017/10/OCI'US-Fossil-Fuel-Subs-2015-16'Final'Oct2017.pdf, accessed 11-4-2019

**FEDERAL SUBSIDY HIGHLIGHTS**

COAL COMPANY BAILOUTS As coal continues to decline due to competition from cheaper energy sources, and coal companies become insolvent, taxpayers are increasingly covering the costs of industry’s obligations to communities and workers.54 Examples of these subsidies **include**: Y Inadequate industry fees recouped to cover the Abandoned Mine Land Grant Fund ($400 million): tax dollars transferred from the U.S. Treasury to cover the administration of the fund and shortfalls in payments to states and mineworker pensions resulting from inadequate fees collected from active coal mine operators.55 This fund has an important role to play in remediating ecological and worker impacts of mining, but should be funded by the industry responsible, not taxpayers. Y Inadequate industry support to cover worker health impacts: ($330 million): contribution from the Treasury covering shortfalls and administration of the Black Lung Disability Trust Fund, which provides income support and medical care to workers who are too sick from black lung to perform their previous coal mine work.56 This support for workers is critical, and this program must remain, but industry should pay for it. SUBSIDIZING POLLUTION **Allowing fossil fuel companies to use deductions and accounting tricks to lower** their **clean-up and liability costs**, and **exempting some** activities **from payment altogether, incentivizes risky and polluting behavior**. Trump’s executive order to expand offshore oil and gas drilling to new parts of the outer continental shelf, which includes a call for reconsidering controls to prevent well blowouts, has watchdogs like the bipartisan National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling worried that more pollution, coupled with more clean-up costs to the public, could be on their way.57 **Subsidies that force taxpayers foot the bill** for industry’s mess **include**: Y Deduction for oil spill penalty costs ($334 million): in cases of large legal settlements for pollution violations – like the $20.8 billion settlement BP reached with the U.S. government over its 2010 oil spill disaster – the government often fails to make such payments non- deductible. In this way, companies can claim a massive tax write-off as a reward for their wrongdoing.58 Y Tar sands exemption from payments into the Oil Spill Liability Trust Fund ($47 million): tar sands producers are currently exempt from paying the 8 cents per barrel tax into the fund, which is meant to provide financial resources for oil spill clean-up.59 Furthermore, coal companies are frequently **not required to hold adequate bonding to cover mine reclamation costs, adding another layer of subsidy. In the Powder River Basin, insufficient bonding resulted in a $282 million annual industry giveaway.60**

### Util vers.

#### Experience is the basis of ethics:

#### 1] verifiability - if something is hot, I can point that out, but not intent, which is internal to the subject. Thus, experience is key to verify ethics – anything else can be falsified.

#### 2] Only way to make sense of shared experiences – if ethics were only rational, we wouldn’t share discourse and discuss faculties. Every schema requires ex post facto evaluation to confirm; if I weigh 100 on my scale and 105 on yours, an empirical reference point verifies truth.

#### 3] Action theory- experiences determine an action’s success. You argue since you think () vote on it if conceded based on past knowledge of debate. Arguing against predictions is self-defeating.

#### Pain and pleasure are objective goods that should be minimized and maximized respectively.

#### 1] The nature of properties gives reason to minimize and maximize them intrinsically. When we get hurt, we instinctively resolve the source. Likewise, we maximize activities that give pleasure.

#### 2] Motivation- we follow ethical rules to check pain and maximize good experiences. Religion uses the fear of damnation as an incentive to act in certain ways. Contracts are literally based on projected interests.

#### The standard is maximizing expected well-being. Prefer:

#### A] Actor spec- states serve everyone by weighing competing claims and justifying decisions to the public. Util solves as it aggregates end states and enables comparison. Impacts:

#### 1] Intentions are irrelevant- if the state doesn’t pass a policy it’s held responsible for that inaction and any resulting issues. This is why politicians get voted out for complacency and lack of progress.

#### 2] Outweighs on probability- Departments decide by calculating the probability of different scenarios in the squo so its possible even if not perfect - no calc indicts.

#### 3] Side constraint theories fail since rights conflict- absent prioritizing certain conflicts, no act can be taken. Even if the government has non-utilitarian obligations – err util for the US. The preamble frames the Constitution - appeals to protecting wellbeing of citizens comes first. Preamble

**We the people of the United States, in order to form a more perfect union,** establish justice, insure domestic tranquility, provide for the common defense, **promote the general welfare,** and secure the blessings of liberty to ourselves and our posterity, **do ordain and establish this Constitution for the United States of America.**

#### B] Consistency – no other theory universalizes itself. For example, if a theory says violence = bad, it’d prohibit violence to stop other violence. But if violence is the only way to solve, the ethical problem is irresolvable. Rigidity prevents contextual decisions. Util weighs relative violence, actively universalizing the ethic.

#### The role of the ballot is to evaluate the simulated consequences of the aff against a competitive post-fiat policy option or the status quo. To clarify – only post-fiat consequences are relevant. Realists dominate the argumentative frame – only this framework teaches debaters how to speak in the language of real world people and experts which solves cession of science and politics.

Hoppe 99 Robert Hoppe is Professor of Policy and knowledge in the Faculty of Management and Governance at Twente University, the Netherlands. "Argumentative Turn" Science and Public Policy, volume 26, number 3, June 1999, pages 201–210 works.bepress.com

ACCORDING TO LASSWELL (1971),policy science is about the production and application of knowledge of and in policy. Policy-makers who desire to tackle problemson the political agendasuccessfully, should be able to mobilise the best available knowledge. This requires high-quality knowledge in policy. Policy-makers and, in a democracy, citizens, **also** need to know how policy processes really evolve**.** This demands precise knowledge of policy. There is an obvious link between the two:the more and better the knowledge of policy, the easier it is to mobilise knowledge in policy**.** Lasswell expresses this interdependence by defining the policy scientist's operational task as eliciting the maximum rational judgement of all those involved in policy-making. For the applied policy scientist or policy analyst this implies the development of two skills. First, for the sake of mobilising the best available knowledge in policy**,** he/she should be able to mediate between different scientific disciplines.Second, to optimise the interdependence between science in and of policy, she/he should be able to mediate between science and politics. Hence Dunn's(1994, page 84**)** formal definition of policy analysis as an applied social science discipline that uses multiple research methods in a context of argumentation, public debate[and political struggle]to create, evaluate critically, and communicate policy-relevant knowledge**.** Historically, the differentiation and successful institutionalisation of policy science can be interpreted as the spread of the functions of knowledge organisation, storage, dissemination and application in the knowledge system (Dunn and Holzner, 1988; van de Graaf and Hoppe, 1989, page 29). Moreover, this scientification of hitherto 'unscientised' functions, by including science of policy explicitly, aimed to gear them to the political system. In that sense, Lerner and Lasswell's (1951) call for policy sciences anticipated, and probably helped bring about, the scientification of politics. Peter Weingart(1999) sees the development of the science-policy nexus as a dialectical process of the scientification of politics/policy and the politicisation of science. Numerous studies of political controversies indeed show that science advisors behave like any other self-interested actor(Nelkin, 1995).Yet science somehow managed to maintain its functional cognitive authority in politics**.** This may be because of its changing shape, which has been characterised as the emergence of a post-parliamentary and post-national network democracy (Andersen and Burns, 1996, pages 227-251).National political developments are put in the background by ideas about uncontrollable**,** but apparently inevitable, internationaldevelopments**;** in Europe**,** national state authority and power in public policy-making is leaking away to a new political and administrative elite, situated in the institutional ensemble of the European Union. National representation is in the hands of political parties which no longer control ideological debate. The authority and policy-making power of national governments isalsoleaking away towards increasingly powerful policy-issue networks, dominated by functional representation by interest groups and practical experts**.** In this situation, public debate has become even more fragile than it was. It has become diluted by the predominance of purely pragmatic, managerial and administrative argument, and under-articulated as a result of an explosion of new political schemata that crowd out the more conventional ideologies. The new schemata do feed on the ideologies; but in larger part they consist of a random and unarticulated 'mish-mash' of attitudes and images derived from ethnic, local-cultural, professional, religious, social movement and personal political experiences**.** The market-place of political ideas and arguments is thriving; buton the other hand, politicians and citizens are at a loss to judge its nature and quality. Neither political parties, nor public officials, interest groups, nor social movements and citizen groups, nor even the public media show any inclination, let alone competency, in ordering this inchoate field**.** In such conditions, scientific debateprovides a much needed minimal amount of orderand articulation ofconcepts**,** arguments and ideas**.** Although frequently more in rhetoric than substance,reference to scientific 'validation' does provide politicians, public officials and citizens alike with some sort of compass in an ideological universe in disarray**.** For policy analysis to have any political impact under such conditions, it should be able somehow to continue 'speaking truth' to political eliteswho areideologically uprooted, but cling to power; to the elites of administrators, managers, professionals and experts who vie for power in the jungle of organisations populating the functional policy domains of post-parliamentary democracy; and to a broader audience of an ideologically disoriented and politically disenchanted citizenry.

#### Self-bonding agreements, where corporations don’t give collateral to mine, enable companies to exploit land and leave without cleaning up the mess they made, Roberts 16

“As coal companies sink into bankruptcy, who will pay to clean up their old mines?” By David Roberts. Vox. Sep 2, 2016, 1:50pm EDT <https://www.vox.com/2016/9/2/12757074/coal-bankruptcy-mine-cleanup> [covering climate change, clean energy and the politics of both at Vox.com. His work has been featured in The Chicago Tribune, Reuters and The Atlantic and he has made appearances on CNN and the Canadian Broadcasting Corporation. Before moving to Vox in 2015, he wrote for Grist.org on the same subjects for 10 years.] cw//az DOA 10/30/2019

In the case of Peabody and other coal companies, however, there’s another sort of flab, er, liability at issue, for which there is less precedent in bankruptcy court: namely, environmental remediation obligations. Put more simply: **Who’s going to pay to clean up all those old mines**? Coal companies promise to pay for mine cleanup, really and for true **The Surface Mining Control and Reclamation Act of 1977 says that coal companies have to clean up old mines and reverse their environmental damage**, costs which can run to the hundreds of millions. **Before they receive a permit for a new mine**, coal **companies have to prove that they can afford to clean it up**. They do so **by posting a bond. T**hese days, **however**, **coal companies** rarely have to meet this requirement. Instead, they are allowed to "**self-bond**," which amounts to **promising the states they operate in that they can pay for mine cleanups.** This cozy arrangement between coal companies and state regulators is longstanding, but it has come under increased scrutiny lately, as coal **companies** have tried to **use bankruptcy to squirm out of those obligations. Wyoming** just struck a deal with (bankrupt) Arch Coal to "**accept** up to $**75 million in place of** the company’s $**486 million in bonding obligations**." That means if Arch Coal liquidates, Wyoming is first in line to collect at least $75 million in assets. **Who will cover the $411 million in remaining cleanup costs? Taxpayers.** And it’s not an isolated case; there’s a lot of dough at stake. **In addition to the $9 billion in mine cleanup costs already outstanding under the Abandoned Mine Land Program (covering mines abandoned before 1977), "officials estimate that roughly $3.6 billion in self-bond liabilities could fall to taxpayers."** **That would amount to a $3.6 billion subsidy to big coal**, the latest (maybe the last**?) in a century-long tradition of subsidies**. Worries about self-bonding led WildEarth Guardians and other environmental groups to file a petition to the Office of Surface Mining Reclamation and Enforcement (OSMRE) in March, asking the agency to ensure that "companies with a history of financial insolvency are not allowed to self-bond coal mining operations." In August, OSMRE announced that it was beginning the rule-making process for strengthening self-bonding regulations. Separately, it issued a rare policy advisory, counseling states to crack down on the practice. In June, Sens. Maria Cantwell (D-WA) and Dick Durbin (D-IL) introduced the Coal Cleanup Taxpayer Protection Act, which would prohibit self-bonding. The bill won’t go anywhere, Congress being Congress, but it’s a clear sign that **self-bonding has lost its social license.** Which brings us back to Peabody. peabody stock price The sad story of Peabody’s stock price. (Yahoo Finance) Peabody is on the hook for lots of cleanup costs … Peabody has an estimated $1.4 billion in self-bonded cleanup obligations. In July, a federal bankruptcy judge ruled for the first time ever that environmental organizations were parties of interest in the bankruptcy proceeding and could argue that Peabody should fully meet its cleanup obligations. "Per the above decision," writes ClimateNexus, "several organizations filed formal complaints in Wyoming, Illinois and Indiana arguing that states should require Peabody to set aside full funds for reclamation as part of any restructuring plans." **Full funding was not to be had, however. In August, Peabody won court approval for deals with Wyoming, New Mexico, and Indiana in which it put up cash covering 17.5 percent of its self-bonding obligations — $127, $32, and $17 million respectively. If** Peabody goes under (again, completely) and bails on cleanup, who will cover the remaining 72.5 percent of costs? Taxpayers. … but it says, implausibly, that continued self-bonding will work just fine Peabody also submitted its five-year business plan to the Securities and Exchange Commission in August, and received approval from lenders. The plan is important, because for Peabody to argue that it should be able to continue self-bonding any of its environmental obligations, it needs to show that it has a viable plan to emerge from bankruptcy into financial health. Remember, the whole premise of self-bonding is that it’s a special arrangement for companies that have enough cash to cover the costs. According to a new brief from the Institute for Energy Economics and Financial Analysis (IEEFA), however, Peabody’s five-year plan is "not credible." First, the company’s production projections are optimistic to the point of delusion. It says that the US coal industry overall will increase production by 20 to 25 million tons annually between 2016 and 2021 (despite the fact that demand has been declining). Yet during the same period, it projects that annual production at its own Powder River Basin (PRB) mines will increase by 31 million tons, from 100 million to 131 million. Somehow, then, the rest of the industry is going to continue losing customers and scaling down while Peabody flourishes, responsible for all net new coal production in the next five years, and more. That is … dubious. coal production revenue by type Those numbers look awfully negative. (RHG) Second, the company acknowledges that its per-ton revenues from PRB coal will decline by 8 percent over the next five years, but says it will maintain its current profit margins through (wait for it) cost-cutting. Historically, though, costs have been rising. And the estimate Peabody uses for the price of oil (diesel oil is a big part of its costs) is far below more credible projections from EIA and World Bank. The cost-cutting numbers verge on magical thinking. Third, it overstates its assets, claiming 6.3 billion tons in "proved and probable" reserves, though extracting anything close to that is highly unlikely given its thin margins, declining per-ton revenue, and overly bullish cost-cutting projections. To its environmentalist critics, who question whether putting up cash to cover 17.5 percent of its cleanup obligations is sufficient given the company’s, ahem, "history of financial insolvency," Peabody responded, in effect, tough shit. The states in question offered the company sweetheart deals, and it’s not within OSMRE’s jurisdiction to overturn them. **Given OSMRE’s recent rule-making, however, that seems at least an open question. Taxpayers may get screwed by Big Coal one last time as it exits stage left** What if, as is entirely plausible, Peabody emerges from bankruptcy, crashes up against a terrible market, and goes bankrupt again? (Patriot Coal is currently emerging from its second bankruptcy.) What happens to its cleanup obligations in that case? I asked Tom Sanzillo, **IEEFA’s Director of Finance and author of the brief. Legally speaking, he said, "it is a vagary." There isn’t much precedent to go on. Hmm. Okay then, putting aside the company’s own inflated projections, what would it take for Peabody to regain its financial health, such that it could be trusted to meet those obligations? "They would have to close several of their mines" and consolidate, effectively becoming a much smaller company**, Sanzillo said. "Absent that, there’s no chance. Even if that occurs, it may not work." **There are simply "too many companies," he said, "selling too much coal to too few customers**." Peabody doesn’t want to sell its mines, though, and even if it did it would have trouble finding buyers. (Despite what it says in its rose-colored business plan, those mines aren’t worth much.) It doesn’t just want to close them down, either, since that means acknowledging grim market conditions, spooking investors, and triggering cleanup costs. So instead, the company is whistling past the graveyard, issuing starry-eyed business plans and paying its executives big bonuses. **And given the latitude bankruptcy judges have shown coal companies so far, there’s a good chance the court won’t stop it.**

#### 1] taxpayers’ money is distributed towards companies that don’t receive benefits like jobs in return

#### 2] unequal distribution - companies profit but people pay environmental costs, which they'd never agree to.

#### 3]When people mess up their jobs, there's repercussion, e.g. demotion, but these contracts don’t allow that so companies have arbitrarily distinct obligations

#### Towns like Flint, Michigan are everywhere when abandoned mines poison water supplies – having a consistent source of funding is key, brown 2/20

50M gallons of polluted water pours daily from US mine sites By MATTHEW BROWN February 20, 2019 <https://www.apnews.com/8158167fd9ab4cd8966e47a6dd6cbe96> cw//az DOA 10/30/2019

RIMINI, Mont. (AP) — Every day many **millions of gallons of water loaded with arsenic, lead and other toxic metals flow from** some of the most **contaminated mining sites** in the U.S. and **into surrounding streams and ponds without being treated,** The Associated Press has found. That torrent is **poisoning aquatic life and tainting water supplies in Montana, California, Colorado, Oklahoma and at least five other states.** The pollution is a legacy of how the mining industry was allowed to operate in the U.S. for more than a century. **Companies that built mines** for silver, lead, gold and other “hardrock” minerals could **move on once they were no longer profitable**, **leaving** behind **tainted water that still leaks out of the mines** or is cleaned up at taxpayer expense. Using data from public records requests and independent researchers, the AP examined 43 mining sites under federal oversight, some containing dozens or even **hundreds of individual mines.** The records show that at average flows, more than **50 million gallons** (189 million liters) of contaminated wastewater streams daily from the sites. In many cases, it runs untreated into nearby groundwater, rivers and ponds — a roughly **20-million-gallon** (76-million-liter) **daily dose of pollution that could fill more than 2,000 tanker trucks. The remainder of the waste** is captured or treated in a costly effort that will need to **carry on indefinitely, for perhaps thousands of years,** often **with little hope for reimbursement**. The volumes vastly exceed the release from Colorado’s **Gold King Mine** disaster in 2015, when a U.S. Environmental Protection Agency cleanup crew inadvertently triggered the **release** of 3 million gallons (**11.4 million liters) of** mustard-colored mine **sludge**, **fouling rivers in three states**. At many mines, the pollution has continued decades after their enlistment in the federal **Superfund** **cleanup** program for the nation’s most hazardous sites, which **faces** **sharp cuts under** President Donald **Trump**. **Federal officials have raised fears that at least six of the sites examined by AP could have blowouts like the one at Gold King.** Some sites feature massive piles or impoundments of mine waste known as **tailings**. A tailings dam **collapse** in Brazil last month **killed** at least **169** people and left **140 missing.** A similar 2014 accident in British Columbia swept millions of cubic yards of contaminated mud into a nearby lake, **resulting in** one of Canada’s **worst** environmental **disasters**. But even short of a calamitous accident, many mines pose the chronic problem of relentless pollution. **AP also found mining sites where untreated water harms the environment or threatens drinking water supplies in North and South Carolina, Vermont, Missouri and Oregon.** TAINTED WELLS In mountains outside the Montana capital of Helena, about 30 **households can’t drink their tap water because groundwater was polluted by about 150 abandoned gold, lead and copper mines that operated from the 1870s until 1953.** The community of Rimini was added to the Superfund list in 1999. Contaminated soil in residents’ yards was replaced, and the EPA has provided bottled water for a decade. But polluted water still pours from the mines and into Upper Tenmile Creek. “The fact that bottled water is provided is great,” said 30-year Rimini resident Catherine Maynard, a natural resources analyst for the U.S. Department of Agriculture. “Where it falls short is it’s not piped into our home. Water that’s piped into our home is still contaminated water. Washing dishes and bathing — that metal-laden water is still running through our pipes.” **Estimates of the number of such abandoned mine sites range from 161,000 in 12 western states to as many as 500,000 nationwide. At least 33,000 have degraded the environment, according to the Government Accountability Office, and thousands more are discovered every year. Officials have yet to complete work including basic risk analy[z]**~~s~~**es on about 80 percent of abandoned mining sites on federal lands. Most are controlled by the Bureau of Land Management, which under Trump is seeking to consolidate mine cleanups with another program and cut their combined 2019 spending from $35 million to $13 million.** The La Plata County Sheriff's Office, takes a water sample from the Animas River near Durango, Colo. on Aug. 6, 2015. (Jerry McBride/The Durango Herald via AP, File) PERPETUAL POLLUTION Problems at some sites are intractable. Among them: — In eastern Oklahoma’s Tar Creek mining district, **waterways are devoid of life and elevated lead levels persist in the blood of children despite a two-decade effort to clean up lead and zinc mines. More than $300 million has been committed since 1983, but only a small fraction of the impacted land has been reclaimed and contaminated water continues to flow.** — At northern California’s Iron Mountain Mine, **cleanup teams battle to contain highly acidic water that percolates through a former copper and zinc mine and drains into a Sacramento River tributary. The mine discharged six tons of toxic sludge daily before an EPA cleanup. Authorities now spend $5 million a year to remove poisonous sludge that had caused massive fish kills, and they expect to keep at it** **forever**. MINE SITE CONTAMINANTS AP Graphic/Phil Holm — In Colorado’s San Juan Mountains, site of the Gold King blowout, some **400 abandoned or inactive mine sites contribute an estimated 15 million gallons (57 million liters) of acid mine drainage per day**. **AP also found mining sites where untreated water harms the environment or threatens drinking water supplies in North and South Carolina, Vermont, Missouri and Oregon.** This landscape of polluted sites occurred under mining industry rules largely unchanged since the 1872 Mining Act. State and federal laws in recent decades have held companies more accountable than in the past, but critics say huge loopholes all but ensure that some of today’s mines will foul waterways or require perpetual cleanups. To avoid a catastrophe like Gold King, EPA officials now require advance approval for work on many mining sites. But they acknowledge they’re only dealing with a small portion of the problem. “We have been trying to play a very careful game of prioritization,” said Dana Stalcup, deputy director of the Superfund program. “We know the Superfund program is not the answer to the hundreds of thousands of mines out there, but the mines we are working on we want to do them the best we can.” The 43 sites examined by AP are mining locations for which officials and researchers have reliable estimates of polluted water releases. Officials said flow rates at the sites vary. Average flows were unavailable for nine sites that only had high and low estimates of how much polluted water flowed out. For those sites, the AP used the lower estimates for its analysis. QUESTIONS OVER WHO SHOULD PAY To date, the EPA has spent an estimated $4 billion on mining cleanups. Under Trump, the agency has identified a small number of Superfund sites for heightened attention after cleanup efforts stalled or dragged on for years. They include five mining sites examined by AP. Former EPA assistant administrator Mathy Stanislaus said more **money is needed to address mining pollution on a systematic basis, rather than jumping from one emergency response to another.** “The **piecemeal approach is just not working**,” said Stanislaus, who oversaw the Superfund program for almost eight years ending in 2017. Democrats have sought unsuccessfully to create a special cleanup fund for old hardrock mine sites, with fees paid by the mining industry. Such a fund has been in place for coal mines since 1977, with more than $11 billion in fees collected and hundreds of sites reclaimed. The mining industry has resisted doing the same for hardrock mines, and Republicans in Congress have blocked the Democratic proposals. Montana Mining Association director Tammy Johnson acknowledged abandoned mines have left a legacy of pollution, but added that companies still in operation should not be forced to pay for those problems. “Back in the day there really wasn’t a lot known about acid mine drainage,” she said. “I just don’t think that today’s companies bear the responsibility.” In 2017, **the EPA proposed requiring companies still operating mines to post cleanup bonds or offer other financial assurances so taxpayers don’t end up footing cleanup bills. The Trump administration halted the rule** , but environmental groups are scheduled to appear in federal court next month in a lawsuit that seeks to revive it. “When something gets on a Superfund site, that doesn’t mean it instantly and magically gets cleaned up,” said Earthjustice attorney Amanda Goodin. “**Having money immediately available from a responsible party would be a game changer.”**

#### Only a complete elimination solves – financial reforms are misrepresented and fluctuate, Cohn 18

Dan Cohn. “Now is the time to **end self-bonding**: Why **Congress and states should act now to strengthen coal mine reclamation bonds**.” April 2018. Western Organization of Resource Councils [WORC is a regional network of grassroots community organizations that include 15,190 members and 39 local chapters. WORC’s network includes: Dakota Resource Council (North Dakota); Dakota Rural Action (South Dakota); Idaho Organization of Resource Councils; Northern Plains Resource Council (Montana); Oregon Rural Action; Powder River Basin Resource Council (Wyoming); Western Colorado Congress and Western Native Voice (Montana). WORC’s mission is to advance the vision of a democratic, sustainable, and just society through community action. WORC is committed to building sustainable environmental and economic communities that balance economic growth with the health of people and stewardship of their land, air, and water.] cw//az

The purpose of reclamation bonds is to maintain a stable store of value that will be accessible to state regulators should a coal mine operator abandon a mine. Reclamation bonding was written into SMCRA in order to avoid replicating the situation of the country’s early coalfields: that of **abandoned mine** lands that continued to **damage the environment and pose health and safety hazards to residents** of the coalfields for decades, centuries or, in some cases, **in perpetuity.** Self-bonding fails to meet these requirements on many fronts.

Self-bonds fail at the moment when reclamation bonds are most needed. **Eligibility for self- bonds are related to company valuations, which change over time, sometimes rapidly. The purposes of reclamation bonding require stable, long-term stores of value that are readily liquid in the event of bond forfeiture. Self-bonds are neither readily liquid nor stable, long-term stores of value. They become worthless when a coal company is in financial distress or has abandoned its mine, which is precisely the moment when a secure reclamation bond is most needed.**

**Eligibility** for self-bonding **is determined using inadequate standards.** Coal companies may qualify to self-bond based on (i) their credit rating from Moody’s or Standard & Poors or (ii) certain corporate financial ratios. Although credit ratings may be sometimes influenced by lobbying from the rated company, the **mechanical use of** the **financial ratios in** question **is particularly inappropriate** in this case.

Federal rules outline two ratios: total liabilities to net worth must be 2.5 or less, and current assets to current liabilities must be 1.2 or greater. These ratios take a stab at characterizing a company’s scale of liabilities and its ability to continue meeting its financial commitments. Although liabilities tend to be fairly easy to quantify, accounting rules allow some **liabilities** to be **recorded “off balance sheet,” resulting in their being hidden from some analyses.** More important, accounting rules result in asset valuations being **not typically adjusted for adverse market conditions. This makes net worth**—a comparison of assets to liabilities—a **useless measure of creditworthiness when the bottom is falling out of an industry.**

**It’s difficult to determine at what price a tract of coal, land, or a coal mine should be valued, because mines are not regularly bought and sold.** Yet companies must assign a dollar value to coal, mines, and land for company accounting to function. These asset valuations are frequently little more than hypothetical. Consider that **Peabody** Energy **slashed** its **estimation** of its land and coal interests by **63%,** from $10.3 billion down to $3.8 billion, as a result of “fresh start accounting” following its emergence from bankruptcy, and took a separate $2.2 billion write-down of its buildings and machinery.11 The new figures reflect the value of Peabody’s portfolio in today’s shrunken market for coal, **but were not used in Peabody’s pre-bankruptcy accounting or self-bond applications. Th**e same adverse economic conditions are reflected in the rare instances in which land and coal interests in the Powder River Basin have been recently sold: **mines have sold for bargain-basement prices, or for no cash at all**.12 Although the coal industry’s downturn has revealed that **asset values are often arbitrary and unconnected to present economic conditions, federal self- bonding rules accept them** blindly **as the basis to determine eligibility for self-bonding**. A reliable evaluation of a company’s creditworthiness for self-bonding should involve a comprehensive analysis of a company’s ability to meet its financial commitments. The credit ratings industry already performs this analysis, and, indeed, a coal company may qualify for self-bonding using such ratings. These analyses often consider an alternative set of financial ratios dictated by a coal company’s agreements with its creditors, which often compare expenses and debt loads to earnings rather than asset values. In short, self- bonding eligibility criteria measure the wrong ratios. **Because they shed little light on the creditworthiness of a self-bond guarantor, it is inappropriate to rely on them as indicators of the value of self bonds.**Some companies have made use of a “subsidiary loophole.” Current rules governing eligibility for self-bonds do not require regulators to consider the financial stability or turmoil of an ultimate parent entity – the entity at the top of the corporate family tree. Instead, coal companies may submit the financial statements of a “mid-stream” subsidiary, even one that is pledged as collateral for the debt of its ultimate parent entity. Self-bonds may be approved based on the misleading financial information of this mid-stream subsidiary. This is the primary reason Arch Coal and Peabody Energy were able to maintain self-bonds into bankruptcy.Allowing financially **unstable companies** to **self-bond defeats** the entire purpose of reclamation **bonding.** Federal regulations allow **self-bonds** to be **guaranteed by** a mine operator, a **parent entity (**known as a “corporate guarantee”) or a non-parent entity (“non- parent corporate guarantee”). This has allowed wholly-owned **mid-stream subsidiaries** of major coal mining companies (such as “Arch Western Resources” or “Peabody Investments Corporation”) to **serve** as self-bond guarantors **even where** the ultimate **parent** entity (Arch Coal, Inc., and Peabody Energy Corporation, respectively**) did not qualify for self-**bonding. In essence, current self-bonding rules allow **shell companies to guarantee** self-bonds.13 Peabody’s and Arch’s mid-stream subsidiaries that guaranteed self-bonds were not financially solvent on an independent basis from their respective ultimate parent entities. The mid-stream subsidiaries filed bankruptcy simultaneously with their ultimate parent entities. The reason was that the mid-stream subsidiaries were pledged as collateral for the ultimate parent entity’s corporate debt, an arrangement known as an “upstream guarantee.” Without simultaneous filings for bankruptcy protection, creditors could complicate bankruptcy proceedings by laying claim to the mid-stream subsidiaries outside of bankruptcy court. **Regulators face a dilemma when forcing the replacement of self-bonds. Federal and state rules allow regulators to require self-bond replacement, often over a period of 90 days, if a company ceases to be eligible for self-bonding. The act of replacing self-bonds forces a company to commit its dwindling liquidity as collateral for new bond instruments, and struggling companies may not be able to secure replacement bonds on affordable terms. This means that by the time a company is no longer eligible for self-bonding, it may be too late to replace the self-bonds with effective financial guarantees.Hence, the regulator’s dilemma: self-bonds must be replaced when there is danger that a company is headed toward insolvency, but self-bond replacement will hasten the insolvenc**y.14 In fact, Alpha Natural Resources cited the moves by Wyoming and West Virginia regulators to replace its self-bonds when filing for bankruptcy.15

**Companies were not meant to carry self-bonds into bankruptcy, but those that do have significant leverage when negotiating with regulators over future reclamation bonding**. Alpha Natural Resources entered bankruptcy with over $655 million in self-bonds ($411 million in Wyoming), while Arch Coal and Peabody Energy entered bankruptcy with $486 million and $1.2 billion of self-bonding, respectively. Federal and state laws prohibit coal mining where sufficient reclamation bonds are not in place, but each of these companies was able to continue mining through bankruptcy reorganization with inadequate bonds by leaning on the threat of liquidation. In a liquidation, the entire costs of unfunded cleanup would be transferred to state and federal taxpayers. This served as leverage for the companies to strike deals with regulators that allowed them to continue **mining during bankruptcy** without substantially replacing self-bonds. It was only at the end of each bankruptcy proceeding that Alpha, Arch, and Peabody were forced to agree to replace their self-bonds. How could **self-bonding** be **end**ed? Self-bonding is authorized in statute under SMCRA but no state is required to allow it. 30 U.S.C. § 1259(c) states: (c) Bond of applicant without separate surety; alternate system The regulatory authority may (emphasis added) accept the bond of the applicant itself without separate surety when the applicant demonstrates to the satisfaction of the regulatory authority the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond such amount or in lieu of the establishment of a bonding program, as set forth in this section, the Secretary may approve as part of a State or Federal program an alternative system that will achieve the objectives and purposes of the bonding program pursuant to this section. Until SMCRA is amended to remove any authorization for self-bonding, the practice will have a legal basis in federal law. However, **state regulators with primacy to implement SMCRA** **may** tighten eligibility criteria for self-bonding or even **prohibit self-bonding** outright in their state. Several states, including **Montana, have done so. Due to the flaws inherent in self-bonding, it is not a reliable instrument to guarantee coal mine reclamation. Although no bonding instrument is risk-free, the fatal flaws in self-bonding should proscribe its future use.** The most recent wave of bankruptcies within the coal sector should serve as a warning to current and future regulators. The ongoing structural decline of the coal industry has increased the chance that future bankruptcies will result in liquidation of self-bonded companies. In a liquidation, coal mine regulators would be forced to “forfeit,” or cash in, self-bonds. Needless to say, this would leave coal mine regulators without sufficient funds to complete reclamation. Had Alpha, Arch, or Peabody liquidated rather than reorganized during bankruptcy, the public would have been left to pick up the bill of over $2,300,000,000. It is a major victory for taxpayers and the public purse to have forced that $2.3 billion in self-bonds to be replaced through their bankruptcy proceedings. In light of this close call, **efforts to end** or reform **self-bonding should proceed apace.** • To protect coalfield communities from the threat of abandoned reclamation, self**-bonding should be prohibited by a change to federal statute. S**uch legislation has been introduced in the current session of Congress as S. 800, the “Coal Cleanup Taxpayer Protection Act,” sponsored by Sen. Maria Cantwell (D-WA). 16 • **Federal regulators at the Office of Surface Mining Reclamation and Enforcement should expedite the rulemaking entitled, “Ensuring That Companies With a History of Financial Insolvency, and Their Subsidiary Companies, Are Not Allowed to Self-Bond Coal Mining Operations**,” and should propose and finalize new rules that strictly limit eligibility for self-bonding.17 • The Office of Surface Mining Reclamation and Enforcement should reinstate its “Poli- cy Advisory” on self-bonding, signed Aug. 5, 2016, and rescinded Oct. 12, 2017. • **States should move forward with rulemaking and policy to end the use of self-bond- ing within their jurisdiction.**

#### Reclamation is effective and flexible for purposes around the world-- even coal companies admit, hayes 15

30th Dec 2015 By Jason Hayes, Associate Director, American Coal Council “Returning Mined Land to Productivity Through Reclamation.” First published in Cornerstone, Volume 3, Issue 4 https://www.worldcoal.org/returning-mined-land-productivity-through-reclamation cw//az DOA 10/30/19

**Each coal mine has a limited life span due to the finite nature of the resource** being extracted. Eventually the resource is exhausted, or **the point is reached at which it is no longer profitable to extract for any number of reasons, such as increasing mine depth**, increasing strip ratios, changing regulations, or market pressures. **When** extractive **activities cease, restoration processes** must be **completed**, although they normally begin far sooner. In fact, reclamation processes typically begin while active mining is still occurring in another area of a mine. Thus, **mining and restoration can be completed continuously** and progressively throughout the life of a mine. The **costs** associated with these restoration activities **can be substantial:** One estimate suggests **US$1.5 million per mine,** although varied mine sizes, regulatory regimes, or the presence of legacy reclamation costs could result in wide fluctuations in cost. Today, in many parts of the world, reclamation and restoration plans must be prepared prior to mining. An improved understanding of the potential impacts of industrial activities, societal attitudes toward mining, increasingly stringent regulatory regimes, and dynamic market conditions now typically require companies to state clearly how their operating area will be restored before mining can begin. There are various approaches to reclamation, and collaborative efforts between industry and government can help to improve mine management and reclamation processes. Thus, best practices and select case studies are worth exploring to highlight examples of successful mine closure and remediation. The process of reclamation Reclamation can be roughly defined as the replacement of soil materials—often to approximate original contour—and revegetation of mined areas or areas adjacent to mines that have been affected by mining activities. An alternative definition, offered by the International Energy Agency’s Clean Coal Centre, is “the process of repairing any negative effects of mining activities on the environment”. Reclamation activities sometimes can also employ passive means of ecosystem restoration—wherein a less intensive management approach is taken and, for example, flora and fauna are allowed to self-colonize after soil replacement and stabilization are completed. However, the vast majority of contemporary reclamation and restoration efforts are based on technical reclamation, which exceeds simply repairing the affected property. Technical reclamation activities often aim to proactively manage a mined area for specific natural or recreational value, or other human uses, which can include infrastructure needs such as airports, schools, or shopping centres. Reclamation activities can also target agricultural or silvicultural (i.e., forestry) objectives. Plans to return mined areas to a more natural state, focusing on soil, vegetative, wildlife, and/or water management values, can also play a large role in guiding reclamation activities. Both underground and opencast mines require reclamation, but the approaches are different. Reclamation activities for underground mines will typically require less above ground activity, but can necessitate extensive management to avoid drainage and flooding issues after mine closure. **This management can involve techniques such as filling of excavated areas with mine spoil or fly ash and diverting or controlling the flow of groundwater to keep it from entering existing mine structures. Doing so avoid[ing]s the risk of rising water becoming contaminat[ion]ed by dissolved metals and other substances and potentially being discharged into rivers and streams. Notably, higher levels of calcite or carbonates in the rock, however, may neutralize acidic mine water, allowing metals to stay immobile. Reclamation of opencast mines typically involves replacement of overburden that was removed or repositioned to access buried coal layers. When excavated areas are built up, re-landscaping or recontouring is completed along with drainage control measures. Recontouring will be guided by mine plan objectives (i.e., the intended end use for the land). Where natural processes are sought, recontouring will typically attempt to return landforms to the mine site’s approximate original contour, or to mimic natural contours. Where other human uses are planned for, the land will often be leveled or shaped in a manner that improves access or aids in future infrastructure development.** Ensuring best practices on reclamation **The time frame extending from exploration to post-reclamation and closure requires decades. In many cases, reclamation processes—which can include the mine closure and decommissioning stage, as well as the post-closure stage—can require as long as, or even longer than, the combined previous stages of exploration, site construction, and mining. Even with mining plans in place, mining can substantially affect local or regional environments. Proper reclamation of mine sites, however, can avoid many risks, including unstable spoil piles, acid drainage and water quality issues, and potential cave-ins. Best practice reclamation activities are designed to limit or avoid these impacts to the greatest degree possible.** Although fully listing the legislative, regulatory, or best practices standards governing global mine reclamation is outside the scope of this article, a few prominent examples are worth highlighting. For example, general requirements for the approval of mining permits could resemble the conservation practice standards published by the Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture (USDA). NRCS describes a threefold purpose for land reclamation: Prevent negative impacts to soil, water, and air resources in and near mined areas Restore the quality of soils to their pre-mining level Maintain or improve landscape visual and functional quality Australia’s Department of Industry Tourism and Resources gives similar guidance for land reclamation, but also encourages consultation, reporting, and monitoring with stakeholders during mine plan development and mining activities. Companies are also urged to rehabilitate progressively through the full life cycle of the mine and, where possible, to manage and rehabilitate historical disturbances. Expanded regulatory oversight combined with a trend toward a lesser number of larger, mechanized mining operations that are governed by binding mining plans are decreasing concerns about unregulated or unmonitored activities. Righting the past Employing best practices during contemporary mine reclamation helps to avoid the challenges associated with mines that were not properly reclaimed in the past. The varied nature of reporting measures and regulatory regimes governing mine management worldwide are compounded by the fact that many private or unregulated mines have been created, especially in developing nations where regulatory oversight may not yet be as thorough. Thus, it is difficult—if not impossible—to get a full count of the number of abandoned coal mines worldwide. The legacy of abandoned mines, however, is being addressed in many areas. For example, since the passage of the 1977 Surface Mining Control and Reclamation Act (SMCRA) in the U.S., direct fees have been collected by government agencies from existing coal mining companies. **Various states and Native American tribes have used over US$4.06 billion of those funds to reclaim almost “240,000 acres of hazardous high-priority coal-related problems”**. As described by the UK Environment Agency (2008), six similar programs are being carried out across the UK and internationally. Reclamation collaboration Collaborative efforts between mining companies and conservation organizations can promote successful mine reclamation as these organizations can lend expertise in developing best practices for wildlife, water, plant, and/or soil management. Demonstrating a transparent working relationship with conservation groups and other stakeholders can also help regulatory agencies when reviewing permit applications. If these agencies observe widespread support for mine plans and objectives and are convinced the area will be properly reclaimed and managed in the post-mining stages, permit approvals can likely be obtained much more easily. One example of a collaborative effort is the U.S.-based Appalachian Wildlife Foundation’s Mine Land Stewardship Initiative (MLSI), which enables industry to pair with conservation organizations to move ahead in a challenging regulatory environment. The MLSI is working to design voluntary reclamation standards that “elevate the overall ecological performance of the coal industry” and help to enhance: Conservation and restoration of ecosystem services Conservation and restoration of wildlife habitat Protection of water quality Recreational opportunities for mining communities Scientific and technical knowledge needed to protect and restore wildlife and aquatic habitats on mine lands Efforts like the MLSI are a positive and proactive approach to reduce confusion and litigation, increase stakeholder involvement and buy-in, improve transparency, and ensure the highest standard of reclamation is carried out. **Bonding and financial assurance Even with proactive management efforts like the MLSI, reclamation can be an expensive endeavour. As the mine will not continue producing saleable material, no additional income will be brought in after operations cease. Therefore, most regulatory agencies require some form of a financial safety net, or bonding, to ensure sufficient funds are available for reclamation even if a bankruptcy occurs. In this manner, company insolvency or an abandoned mine will [to] not impose mine closure and reclamation costs on taxpayers**. While having adequate funds for reclamation is clearly important, public policy must recognize that environmental protection, reclamation in this case, must be balanced with financial realities to avoid stifling economic activity and to allow mining companies to operate profitably. The International Council on Mining and Metals (ICMM) has reported that expectations from an increasingly risk-averse public and government have been forcing assurance costs higher. The ICMM described how, in 1998, a mining company based in Australia had “identified more than 1,056 financial assurance instruments in place in four countries, which represents a contingent liability of greater than AUD$20 million. By 2004 the comparative amount had risen to AUD$60 million". ICMM expressed concern that setting aside growing levels of operating funds in bonds restricts investment and operational flexibility. In fact, increasingly conservative expectations of certainty relating to environmental protection could place such strict financial and administrative pressures on mining companies that mining projects could be cancelled as uneconomic. Case study Numerous mines around the world are demonstrating successful reclamation projects. One such project is Coal-Mac Mining’s Phoenix #2 surface mine in West Virginia, U.S. The Phoenix #2 mine was the recipient of the U.S. Office of Surface Mining’s 2010 Excellence in Reforestation Award for almost a decade’s worth of reclamation efforts and implementation of the Appalachian Regional Reforestation Initiative’s (ARRI) Forest Reclamation Approach (FRA). ARRI is a working group comprised of citizen representatives, industry, academia, and government, and was formed to encourage planting of productive trees on reclaimed coal mine lands and abandoned mine lands. FRA is a means by which mining companies and forest managers can improve forest productivity, wildlife habitat, floral diversity, and water management on reclaimed mine lands. **The FRA is made up of five steps: Create a suitable rooting medium for good tree growth that is no less than four feet deep and comprised of topsoil, weathered sandstone, and/or the best available material. Loosely grade the topsoil or topsoil substitutes established in step one to create a non-compacted growth medium. Use ground covers that are compatible with growing trees. Plant two types of trees: (a) early succession species for wildlife and soil stability and (b) commercially valuable crop trees** Use proper tree planting techniques Phoenix #2 mine is a 560-acre (227-ha) operation, originally permitted in January 2001 under the approximate original contour (AOC)-plus backfill guidelines. Under these guidelines, final backfill elevations were established to mimic the natural terrain of West Virginia, avoid soil compaction, and enhance post-mine land use. Conclusions Finite resources entail a finite mining life cycle. As coal reserves in a mine are removed or become uneconomical to continue mining, reclamation activities will replace removed soil and/or substrate materials and revegetate the mine in an effort to (1) return it to as close to natural state as possible or (2) redesign landforms to allow improved human access to, or use of, an area. **Key objectives in reclamation activities are to reduce potential damage and prevent negative impacts to the natural environment in and near mined areas, to restore the viability and growing potential of soils to their pre-mining level, and to maintain or improve landscape visual and functional quality. Reviewing effective examples of mine reclamation from around the globe, such as those profiled in this issue, allows the extractive industry to develop a suite of best practices for successfully reclaiming mined areas. These properly reclaimed mines can provide essential lessons on technology, policy, and collaboration and serve as the gold standard for mine reclamation efforts.**

#### Advocacy text: Resolved: The United States federal government and relevant subfederal actors ought to eliminate self-bonding fossil fuel subsidies. Neg should check all interps in cross-ex, there’s infinite violations with bidirectional interps. If you want, I’ll defend the mechanisms of H.R. 4364, the Bonding Reform and Taxpayer Protection Act. GAO 18. santa

COAL MINE RECLAMATION Federal and State Agencies Face Challenges in Managing Billions in Financial Assurances March 2018. United States Government Accountability Office Report to Congressional Requesters. https://www.gao.gov/assets/700/690476.pdf cw//az Accessed 10/28/19

Matter for Congressional Consideration Congress should consider amending SMCRA to **eliminate the use of self- bonding as** a type of financial **assurance for coal mine reclamation**. (Matter for Consideration 1)

#### The aff is topical; Redman 17

Janet Redman et al 17 ~Janet Redman "Dirty Energy Dominance: Dependent on Denial," No Publication, http://priceofoil.org/content/uploads/2017/10/OCI'US-Fossil-Fuel-Subs-2015-16'Final'Oct2017.pdf, accessed 11-4-2019

**FEDERAL SUBSIDY HIGHLIGHTS**

COAL COMPANY BAILOUTS As coal continues to decline due to competition from cheaper energy sources, and coal companies become insolvent, taxpayers are increasingly covering the costs of industry’s obligations to communities and workers.54 Examples of these subsidies **include**: Y Inadequate industry fees recouped to cover the Abandoned Mine Land Grant Fund ($400 million): tax dollars transferred from the U.S. Treasury to cover the administration of the fund and shortfalls in payments to states and mineworker pensions resulting from inadequate fees collected from active coal mine operators.55 This fund has an important role to play in remediating ecological and worker impacts of mining, but should be funded by the industry responsible, not taxpayers. Y Inadequate industry support to cover worker health impacts: ($330 million): contribution from the Treasury covering shortfalls and administration of the Black Lung Disability Trust Fund, which provides income support and medical care to workers who are too sick from black lung to perform their previous coal mine work.56 This support for workers is critical, and this program must remain, but industry should pay for it. SUBSIDIZING POLLUTION **Allowing fossil fuel companies to use deductions and accounting tricks to lower** their **clean-up and liability costs**, and **exempting some** activities **from payment altogether, incentivizes risky and polluting behavior**. Trump’s executive order to expand offshore oil and gas drilling to new parts of the outer continental shelf, which includes a call for reconsidering controls to prevent well blowouts, has watchdogs like the bipartisan National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling worried that more pollution, coupled with more clean-up costs to the public, could be on their way.57 **Subsidies that force taxpayers foot the bill** for industry’s mess **include**: Y Deduction for oil spill penalty costs ($334 million): in cases of large legal settlements for pollution violations – like the $20.8 billion settlement BP reached with the U.S. government over its 2010 oil spill disaster – the government often fails to make such payments non- deductible. In this way, companies can claim a massive tax write-off as a reward for their wrongdoing.58 Y Tar sands exemption from payments into the Oil Spill Liability Trust Fund ($47 million): tar sands producers are currently exempt from paying the 8 cents per barrel tax into the fund, which is meant to provide financial resources for oil spill clean-up.59 Furthermore, coal companies are frequently **not required to hold adequate bonding to cover mine reclamation costs, adding another layer of subsidy. In the Powder River Basin, insufficient bonding resulted in a $282 million annual industry giveaway.60**

## Uv

### Theory

#### A] 1AR theory legit otherwise the neg can be infinitely abusive. Drop the debater: the 1AR doesn’t have enough time to prove abuse and cover substance well. No 2N RVIs since negs dump on the shell for 6 minutes and make the 2AR impossible. 1ar theory first: neg can win their shell and beat back the aff’s in 6 min but it’s impossible for me to in half the time –you can’t determine the truth of their shell.

#### B] Drop the arg on T and make the aff whole rez – there are infinite number of bidirectional interps of the rez, meaning I’ll hit theory every time killing topic ed.

#### C] Give the aff an RVI on counter interps to T:

#### 1] Reciprocity—otherwise the neg gets T and theory but the aff only gets theory

####  2] Timeskew—the 2AR’s too short to prove I’m T and adequately cover substance in 3 minutes; effective 2NRs split their time and make affirming impossible.

#### D] Nothing in the 1AC triggers presumption or permissibility – but they should affirm:

#### 1] 1ar time skew means 1ar has to answer 7 minutes of offense and hedge against a 6 minute 2nr collapse, if the neg can’t prove the aff false you should presume its true

#### 2] You presume true unless proven false – If I tell you my name is angela you believe me unless there’s ev to the contrary

#### 3] Presuming statements are false is impossible – we can’t operate in the world if we can’t trust anything we hear

### LARP

#### Predictions are not value neutral— their link conflation and hyperboles obscure violence and preserves the squo – hold them responsible.

Jackson ’12: (Richard, Director of the National Centre for Peace and Conflict Studies, the University of Otago. Former. Professor of International Politics at Aberystwyth University, “The Great Con of National Security,” 8/5/12 <http://richardjacksonterrorismblog.wordpress.com/2012/08/05/the-great-con-of-national-security/>)

It may have once been the case that being attacked by another country was a major threat to the lives of ordinary people. It may also be true that there are still some pretty serious dangers out there associated with the spread of nuclear weapons. For the most part, however, most of what you’ve been told about national security and all the big threats which can supposedly kill you is one big con designed to distract you from the things that can really hurt you, such as the poverty, inequality and structural violence of capitalism, global warming, and the manufacture and proliferation of weapons – among others.¶ The facts are simple and irrefutable: you’re far more likely to die from lack of health care provision than you are from terrorism; from stress and overwork than Iranian or North Korean nuclear missiles; from lack of road safety than from illegal immigrants; from mental illness and suicide than from computer hackers; from domestic violence than from asylum seekers; from the misuse of legal medicines and alcohol abuse than from international drug lords. And yet, politicians and the servile media spend most of their time talking about the threats posed by terrorism, immigration, asylum seekers, the international drug trade, the nuclear programmes of Iran and North Korea, computer hackers, animal rights activism, the threat of China, and a host of other issues which are all about as equally unlikely to affect the health and well-being of you and your family. Along with this obsessive and perennial discussion of so-called ‘national security issues’, the state spends truly vast sums on security measures which have virtually no impact on the actual risk of dying from these threats, and then engages in massive displays of ‘security theatre’ designed to show just how seriously the state takes these threats – such as the x-ray machines and security measures in every public building, surveillance cameras everywhere, missile launchers in urban areas, drones in Afghanistan, armed police in airports, and a thousand other things. This display is meant to convince you that these threats are really, really serious.¶ And while all this is going on, the rulers of society are hoping that you won’t notice that increasing social and economic inequality in society leads to increased ill health for a growing underclass; that suicide and crime always rise when unemployment rises; that workplaces remain highly dangerous and kill and maim hundreds of people per year; that there are preventable diseases which plague the poorer sections of society; that domestic violence kills and injures thousands of wom[x]n and children annually; and that globally, poverty and preventable disease kills tens of millions of people needlessly every year. In other words, they are hoping that you won’t notice how much structural violence there is in the world.¶ More than this, they are hoping that you won’t notice that while literally trillions of dollars are spent on military weapons, foreign wars and security theatre (which also arguably do nothing to make any us any safer, and may even make us marginally less safe), that domestic violence programmes struggle to provide even minimal support for wom[x]n and children at risk of serious harm from their partners; that underfunded mental health programmes mean long waiting lists to receive basic care for at-risk individuals; that drug and alcohol rehabilitation programmes lack the funding to match the demand for help; that welfare measures aimed at reducing inequality have been inadequate for decades; that health and safety measures at many workplaces remain insufficiently resourced; and that measures to tackle global warming and developing alternative energy remain hopelessly inadequate.¶ Of course, none of this is surprising. Politicians are a part of the system; they don’t want to change it. For them, all the insecurity, death and ill-health caused by capitalist inequality are a price worth paying to keep the basic social structures as they are. A more egalitarian society based on equality, solidarity, and other non-materialist values would not suit their interests, or the special interests of the lobby groups they are indebted to. It is also true that dealing with economic and social inequality, improving public health, changing international structures of inequality, restructuring the military-industrial complex, and making the necessary economic and political changes to deal with global warming will be extremely difficult and will require long-term commitment and determination. For politicians looking towards the next election, it is clearly much easier to paint immigrants as a threat to social order or pontificate about the ongoing danger of terrorists. It is also more exciting for the media than stories about how poor people and people of colour are discriminated against and suffer worse health as a consequence.¶ Viewed from this vantage point, national security is one massive confidence trick – misdirection on an epic scale. Its primary function is to distract you from the structures and inequalities in society which are the real threat to the health and wellbeing of you and your family, and to convince you to be permanently afraid so that you will acquiesce to all the security measures which keep you under state control and keep the military-industrial complex ticking along.¶ Keep this in mind next time you hear a politician talking about the threat of uncontrolled immigration, the risk posed by asylum seekers or the threat of Iran, or the need to expand counter-terrorism powers. The question is: when politicians are talking about national security, what is that they don’t want you to think and talk about? What exactly is the misdirection they are engaged in? The truth is, if you think that terrorists or immigrants or asylum seekers or Iran are a greater threat to your safety than the capitalist system, you have been well and truly conned, my friend. Don’t believe the hype: you’re much more likely to die from any one of several forms of structural violence in society than you are from immigrants or terrorism. Somehow, we need to challenge the

#### Reject “1% risk of extinction”– it collapses all policymaking

**Meskill 09** (David, professor at Colorado School of Mines and PhD from Harvard, “The "One Percent Doctrine" and Environmental Faith,” Dec 9, http://davidmeskill.blogspot.com/2009/12/one-percent-doctrine-and-environmental.html)

Tom Friedman's piece today in the Times on the environment (http://www.nytimes.com/2009/12/09/opinion/09friedman.html?\_r=1) is one of the flimsiest pieces by a major columnist that I can remember ever reading. He applies Cheney's "one percent doctrine" (which is similar to the environmentalists' "precautionary principle") to the risk of environmental armageddon. But this doctrine is both intellectually incoherent and practically irrelevant. It is intellectually incoherent because it cannot be applied consistently in a world with many potential disaster scenarios. In addition to the global-warming risk, there's also the asteroid-hitting-the-earth risk, the terrorists-with-nuclear-weapons risk (Cheney's original scenario), the super-duper-pandemic risk, etc. Since each of these risks, on the "one percent doctrine," would deserve all of our attention, we cannot address all of them simultaneously. That is, even within the one-percent mentality, we'd have to begin prioritizing, making choices and trade-offs. But why then should we only make these trade-offs between responses to disaster scenarios? Why not also choose between them and other, much more cotidien, things we value? Why treat the unlikely but cataclysmic event as somehow fundamentally different, something that cannot be integrated into all the other calculations we make? And in fact, this is how we behave all the time. We get into our cars in order to buy a cup of coffee, even though there's some chance we will be killed on the way to the coffee shop. We are constantly risking death, if slightly, in order to pursue the things we value. Any creature that adopted the "precautionary principle" would sit at home - no, not even there, since there is some chance the building might collapse. That creature would neither be able to act, nor not act, since it would nowhere discover perfect safety. Friedman's approach reminds me somehow of Pascal's wager - quasi-religious faith masquerading as rational deliberation (as Hans Albert has pointed out, Pascal's wager itself doesn't add up: there may be a God, in fact, but it may turn out that He dislikes, and even damns, people who believe in him because they've calculated it's in their best interest to do so). As my friend James points out, it's striking how descriptions of the environmental risk always describe the situation as if it were five to midnight. It must be near midnight, since otherwise there would be no need to act. But it can never be five \*past\* midnight, since then acting would be pointless and we might as well party like it was 2099. Many religious movements - for example the early Jesus movement - have exhibited precisely this combination of traits: the looming apocalypse, with the time (just barely) to take action. None of this is to deny - at least this is my current sense - that human action is contributing to global warming. But what our response to this news should be is another matter entirely.

politicians on this fact.

#### Probability analysis proves DAs have a near 0% chance of happening before I even answer them. Risk of offense is unfair, uneducational, and exclusionary.

Cohn, 13 Nate Cohn (Georgetown). Improving the Norms and Practices of Policy Debate. «November 24, 2013, 02:10:58 PM» http://www.cedadebate.org/forum/index.php/topic,5416.msg12020.html#msg12020

The fact that policy debate is wildly out of touch—the fact that we are “a bunch of white folks talking about nuclear war”—is a damning indictment of nearly every coach in this activity. It’s a serious indictment of the successful policy debate coaches, who have been content to continue a pedagogically unsound game, so long as they keep winning. It’s a serious indictment of policy debate’s discontents who chose to disengage. That’s not to say there hasn’t been any effort to challenge modern policy debate on its own terms—just that they’ve mainly come from the middle of the bracket and weren’t very successful, focusing on morality arguments and various “predictions bad” claims to outweigh. Judges were receptive to the sentiment that disads were unrealistic, but negative claims to specificity always triumphed over generic epistemological questions or arguments about why “predictions fail.” The affirmative rarely introduced substantive responses to the disadvantage, rarely read impact defense. All considered, the negative generally won a significant risk that the plan resulted in nuclear war. Once that was true, it was basically impossible to win that some moral obligation outweighed the (dare I say?) obligation to avoid a meaningful risk of extinction. There were other problems. Many of the small affirmatives were unstrategic—teams rarely had solvency deficits to generic counterplans. It was already basically impossible to win that some morality argument outweighed extinction; it was totally untenable to win that a moral obligation outweighed a meaningful risk of extinction; it made even less sense if the counterplan solved most of the morality argument. The combined effect was devastating: As these debates are currently argued and judged, I suspect that the negative would win my ballot more than 95 percent of the time in a debate between two teams of equal ability. But even if a “soft left” team did better—especially by making solvency deficits and responding to the specifics of the disadvantage—I still think they would struggle. They could compete at the highest levels, but, in most debates, judges would still assess a small, but meaningful risk of a large scale conflict, including nuclear war and extinction. The risk would be small, but the “magnitude” of the impact would often be enough to outweigh a higher probability, smaller impact. Or put differently: **policy debate** still **wouldn’t be replicating** a **real world policy** assessment, teams reading small affirmatives would still be at a real disadvantage with respect to reality. Why? Oddly, this is the unreasonable result of a reasonable part of debate: the burden of refutation or rejoinder, the responsibility of debaters to “beat” arguments. If I introduce an argument, it starts out at 100 percent—you then have to disprove it. That sounds like a pretty good idea in principle, right? Well, I think so too. But it’s really tough to refute something down to “zero” percent—a team would need to completely and totally refute an argument. That’s obviously tough to do, especially since the other team is usually going to have some decent arguments and pretty good cards defending each component of their disadvantage—even the ridiculous parts. So one of the most fundamental assumptions about debate all but ensures a meaningful risk of nearly any argument—even extremely low-probability, high magnitude impacts, sufficient to outweigh systemic impacts. There’s another even more subtle element of debate practice at play. Traditionally, the 2AC might introduce 8 or 9 cards against a disadvantage, like “non-unique, no-link, no-impact,” and then go for one and two. Yet in reality, **disadvantages are underpinned by** dozens or perhaps **hundreds of** discrete **assumptions,** each of which could be contested. By the end of the 2AR, only a handful are under scrutiny; the majority of the disadvantage is conceded, and it’s tough to bring the one or two scrutinized components down to “zero.” And then there’s a bad understanding of probability. If the affirmative questions four or five elements of the disadvantage, but the negative was still “clearly ahead” on all five elements, most judges would assess that the negative was “clearly ahead” on the disadvantage. In reality, the risk of the disadvantage has been reduced considerably. If there was, say, an 80 percent chance that immigration reform would pass, an 80 percent chance that political capital was key, an 80 percent chance that the plan drained a sufficient amount of capital, an 80 percent chance that immigration reform was necessary to prevent another recession, and an 80 percent chance that another recession would cause a nuclear war (lol), then there’s a 32 percent chance that the disadvantage caused nuclear war. I think these issues can be overcome. First, I think teams can deal with the “burden of refutation” by focusing on the “burden of proof,” which allows a team to mitigate an argument before directly contradicting its content. Here’s how I’d look at it: modern policy debate has assumed that arguments start out at “100 percent” until directly refuted. But few, if any, arguments are supported by evidence consistent with “100 percent.” Most cards don’t make definitive claims. Even when they do, they’re not supported by definitive evidence—and any reasonable person should assume there’s at least some uncertainty on matters other than few true facts, like 2+2=4. Take Georgetown’s immigration uniqueness evidence from Harvard. It says there “may be a window” for immigration. So, based on the negative’s evidence, what are the odds that immigration reform will pass? **Far less than 50 percent**, if you ask me. That’s not always true for every card in the 1NC, but sometimes it’s even worse—like the impact card, which is usually a long string of “coulds.” If you apply this very basic level of analysis to each element of a disadvantage, and correctly explain math (.4\*.4\*.4\*.4\*.4=.01024), the risk of the disadvantage starts at a very low level, even **before the affirmative offers a direct response.** Debaters should also argue that the negative hasn’t introduced any evidence at all to defend a long list of unmentioned elements in the “internal link chain.” The absence of evidence to defend the argument that, say, “recession causes depression,” may not eliminate the disadvantage, but it does raise uncertainty—and it doesn’t take too many additional sources of uncertainty to reduce the probability of the disadvantage to effectively **zero**—sort of the static, background noise of prediction

### Cw fw

#### 1- truth testing gives the negative access to infinite outs- they can prove an assumption of the resolution is false or prove the converse - key to fairness because we both need equal shots at the ballot.

#### 2- Burden of proof- truth testing forces the aff to prove perfection and gives the negative the ability to win the round off a taint- means lopsided debates because a single deficit to the aff would be a reason to negate- also makes the 1AC a moot point because you can’t leverage offense if the negative defends nothing – key to fairness because it equalizes burdens

#### 3- Intuition- when we evaluate truth claims we consider the implications in the real world- we ask if our ethic was internalized if it would be net better- that outweighs- every ethical precept is grounded on some intuitive basis

### tt fw

#### Prefer: Tt

#### Any statement asserts some property is true. saying “I smell the roses” is the same as “it is true that I smell roses”: rotbs function under this paradigm

#### Textuality: the resolution doesn’t presume a shift from the status quo so fiat isn’t justified. Independently takes out comparative worlds.

#### Quantity of ground: Truth testing includes arguments under comparative worlds plus additional arguments, so prefer on risk of offense that my paradigm is more fair and educational because I coopt reasons why comparative worlds is good.

### Trix

#### Sentences that assume a nonexistent entity has a property can be explained as conditional. Denying presupposition in non-empirical contexts is denying the antecedent of a conditional. That means indicting assumptions affirms.

#### Consider this example: Sentence A says that if A is true, then trivialism is true, which is a self-referential statement. If A is not true, then it contradicts condo logic: Also means permissibility affirms.Stanford philosophy[[3]](#footnote-3).

**Conditional statement**: an **“if p, then q”** compound statement (ex. If I throw this ball into the air, it will come down); **p is called the** antecedent**, and q is the consequent.** A conditional asserts that if its antecedent is true, its consequent is also true; **any conditional with a true** antecedent **and a false consequent must be false. For any other combination of true and false** antecedents **and consequents, the conditional statement is true.**

#### Neg may not read a new burden in the NC A. Moots 6 minutes of AC offense because none of it applies which creates a 13-7 time skewB. Unpredictable – You could read infinite burdens, making it impossible to win.

### State

#### I: centering disad- we cannot create a politics without a focus point because it can always get coopted by the state to justify bad problems

#### II. empirically gets beaten back- the zaptistas embraced anarchic nomadism but because of how fractured they were no one knew how to follow up their movements, use them to do things, or fight back against organized movements like the state.

#### III. the state has a monopoly on social and military resources which allows it to have the biggest impact on individuals- that means using the state gives us more ways to achieve our goals

#### IV: States are just social structures that come together and then either codify rules that protect each other – puts you in a double bind: either the state comes about post alt because black groups come together and create rules which is a state which means the state is not ontologically bad and it’s a tool which we can change or there is no state in which case you have the state of nature which is worse because all your white neighbors come out and kill you because they already have all the resources.

#### V. If you think lynching or assault should not happen to innocent bodies then you need legal protections to ensure that which requires that some institution to do it- which justifies the 1AC

# 1ar

## T

### T - reasonability

#### (:15) Ov: Prefer Reasonability on t w/ a B/L of structural abuse

#### It deters friv theory since those can’t meet minimum thresholds – Outweighs since friv interps divert from substance. Structural abuse outweighs on quantifiability – You can quantify routes to the ballot but you can’t w/ substantive skews – outweighs on resolvability and takes out their standards “it’s hard to engage “ isn’t structural.

Norm setting is fake news:

1. condo pics disprove
2. judges split on theory debates

U say collapses:

1. u should be able to beat it back but the bl went conceded so err aff
2. reasonability is a sufficiency test, not a race to the top

U say offense-defense:

1. is ought fallacy – using it doesn’t prove it’s best

U say race to the top good

1. We are at rock bottom - proven by shoes theory – this gives uniqueness to reasonability
2. Detracts from substance –20 years past and we haven’t found the best norm

### Land reclamation

#### Counterinterpretation: The affirmative may defend land reclamation as a subsidy

#### Smyth 16

Written by: Joe Smyth “Corporate Welfare for Coal.” Greenpeace. March 2016 <http://www.greenpeace.org/usa/wp-content/uploads/2016/03/corporate-welfare-for-coal.pdf?f3025c> cw//az DOA 10/30/19

**Coal companies receive** further **subsidies from** state **governments, including avoiding requirements to post bonds for** their mine **reclamation** obligations While the Interior Department is responsible for managing federal coal, the state in which federal coal is mined receives half of the royalties. Federal coal mining occurs mostly in Western States, with the vast majority of federal coal production in the Powder River Basin region of Wyoming and Mon- tana, as well as significant amounts in Colorado, Utah, New Mexico, and North Dakota, and smaller amounts in other states. While the Interior Department has allowed the coal mining industry to largely run the federal coal mining process, state governments have sometimes gone beyond even this lax approach. For example, states like Utah 26 and Wyoming 27 have sought to use state funds to subsidize coal export proposals in Washington, Oregon, and California that would ship federal coal to Asia.

Another major way that the state of Wyoming has subsidized federal coal mining is by allowing coal mining companies to avoid posting bonds to pay for mine reclamation as required by the Surface Mining Control and Reclamation Act. **Instead, Wyoming’s Department of Environmental Quality (DEQ) has allowed coal mining companies to “self-bond,” using their supposed financial strength, or even that of a subsidiary, as an indication of the company’s ability to reclaim its mines. One report, “Assessing Thermal Coal Production Subsidies,” estimated that self-bonding in the Powder River Basin amounted to a subsidy of $0.78 for each ton of coal**. 28

This practice of self-bonding has come under increased scrutiny as coal mining companies like Arch Coal and Alpha Natural Resources have filed for bankruptcy, raising concerns that **taxpayers could end up footing the bill for mine reclamatio**n - exactly what the Surface Mining Control and Recla- mation Act sought to avoid. Secretary Jewell highlighted those concerns in testimony to the House Natural Resources Committee: “With the increased financial fragility of many coal mining compa- nies, if they are self-bonded that does potentially leave the states and the taxpayers at risk.” 29

#### Multiple government sources agree (I’ve inserted the chart here). Makhijani cites the Joint Committee on Taxation 14. That outweighs – govt determines subsidies

Shakuntala Makhijani, with assistance and contributions from Stephen Kretzmann and Elizabeth Bast Published by Oil Change International, Washington DC, USA July 2014. “Cashing in on all of the above: U.S. FoSSil FUel ProdUction SUbSidieS Under obama.” <http://priceofoil.org/content/uploads/2014/07/OCI_US_FF_Subsidies_Final_Screen.pdf> Cw//az DOA 10/29/2019

### T - Plural

### T – eliminate/nebel

## Fw

### Extra util

#### Physicalism is true and is a side constraint on ethics.

Papineau 8, David, "Naturalism", The Stanford Encyclopedia of Philosophy (Spring 2009 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/spr2009/entries/naturalism/>. Cw//az recut

In the middle of the nineteenth century the conservation of kinetic plus potential energy came to be accepted as a basic principle of physics (Elkana 1974). In itself this does not rule out distinct mental or vital forces, for there is no reason why such forces should not be ‘conservative’, operating in such a way as to compensate losses of kinetic energy by gains in potential energy and vice versa. (The term ‘nervous energy’ is a relic of the widespread late nineteenth-century assumption that mental processes store up a species of potential energy that is then released in action.) However, theconservation of energy does imply that any such special forces must be governed by strict deterministic laws: if mental or vital forces arose spontaneously, then there would be nothing to ensure that they never led to energy increases. During the course of the twentieth century received scientific opinion became even more restrictive about possible causes of physical effects, and came to reject sui generis mental or vital causes, even of a law-governed and predictable kind. Detailed physiological **research, especially into nerve cells, gave no indication of any physical effects that cannot be explained in terms of basic physical forces** that also occur outside living bodies. By the middle of the twentieth century, belief in sui generis mental or vital forces had become a minority view. This led to the widespread acceptance of the doctrine now known as the ‘**causal closure’** or the ‘causal completeness’ of the physical realm, according to which all physical effects can be accounted for by basic **physical causes** (where ‘physical’ can be understood as referring to some list of fundamental forces) non-physical causes of physical effects. As a result, the default philosophical view was a non-naturalist interactive pluralism which recognized a wide range of such non-physical influences, including spontaneous mental influences (or ‘determinations of the soul’ as they would then have been called). The nineteenth-century discovery of the conservation of energy continued to allow that sui generis non-physical forces can interact with the physical world, but required that they be governed by strict force laws. This gave rise to an initial wave of naturalist doctrines around the beginning of the twentieth century. Sui generis mental forces were still widely accepted, but an extensive philosophical debate about the significance of the conservation of energy led to a widespread recognition that any such mental forces would need to be law-governed and thus amenable to scientific investigation along with more familiar physical forces.[5] By the middle of the twentieth century, the acceptance of the casual closure of the physical realm led to even stronger naturalist views. The causal closure thesis implies that any mental and biological causes must themselves be physically constituted, if they are to produce physical effects.It thus gives rise to a particularly strong form ofontological naturalism, namely the physicalist doctrine that any state that has physical effects must itself be physical. From the 1950s onwards, philosophers began to formulate arguments for ontological physicalism. Some of these arguments appealed explicitly to the causal closure of the physical realm (Feigl 1958, Oppenheim and Putnam 1958). In other cases, the reliance on causal closure lay below the surface. However, it is not hard to see that even in these latter cases the causal closure thesis played a crucial role. Thus, for example, consider J.J.C. Smart's (1958) thought that we should identify mental states with brain states, for otherwise those mental states would be "nomological danglers" which play no role in the explanation of behaviour. Or take David Lewis's (1966) and David Armstrong's (1968) argument that, since mental states are picked out by their causal roles, and since we know that physical states play these roles, mental states must be identical with those physical states. Again, consider Donald Davidson's (1970) argument that, since the only laws governing behaviour are those connecting behaviour with physical antecedents, mental events can only be causes of behaviour if they are identical with those physical antecedents. At first sight, it may not be obvious that these arguments require the causal closure thesis. But a moment's thought will show that none of these arguments would remain cogent if the closure thesis were not true, and that some physical effects (the movement of matter in arms, perhaps, or the firings of the motor neurones which instigate those movements) were not determined by prior physical causes at all, but by sui generis mental causes. Sometimes it is suggested that the indeterminism of modern quantum mechanics creates room for sui generis non-physical causes to influence the physical world. However, even if quantum mechanics implies that some physical effects are themselves undetermined, it provides no reason to doubt a quantum version of the causal closure thesis, to the effect that the chances of those effects are fully fixed by prior physical circumstances. And this alone is enough to rule out sui generis non-physical causes. For such sui generis causes, if they are to be genuinely efficiacious, must presumably make an independent difference to the chances of physical effects, and this in itself would be inconsistent with the quantum causal closure claim that such chances are already fixed by prior physical circumstances. Once more, it seems that anything that makes a difference to the physical realm must itself be physical. Even if it is agreed that anything with physical effects must in some sense be physical, there is plenty of room to debate exactly what ontologically naturalist doctrines follow. The causal closure thesis says that (the chance of) every physical effect is fixed by a fully physical prior history. So, to avoid an unacceptable proliferation of causes, any prima facie non-physical cause of a physical effect will need to be included in that physical history. But what exactly does this require? The contemporary literature offers a wide range of answers to this question. In part the issue hinges on the ontological status of causes. Some philosophers think of causes as particular events, considered in abstraction from any properties they may possess (Davidson 1980). Given this view of causation, a mental or other apparently non-physical cause will be the same as some physical cause as long as it is constituted by the same particular (or ‘token’) event. For example, a given feeling and a given brain event will count as the same cause as long as they are constituted by the same token event. However, it is widely agreed that this kind of ‘token identity’ on its own fails to ensure that prima facie non-physical causes can make any real difference to physical effects. To see why, note that token identity is a very weak doctrine: it does not imply any relationship at all between the properties involved in the physical and non-physical cause; it is enough that the same particular entity should possess both these properties. Compare the way in which an apple's shape and colour are both possessed by the same particular thing, namely that apple. It seems wrong to conclude on this account that the apple's colour causes what its shape causes. Similarly, it seems unwarranted to conclude that someone's feelings cause what that person's neuronal discharges cause, simply on the grounds that these are both aspects of the same particular event. This could be true, and yet the mental property of the event could be entirely irrelevant to any subsequent physical effects. Token identity on its own thus seems to leave it open that the mental and other prima facie non-physical properties are ‘epiphenomenal’, exerting no real influence on effects that are already fixed by physical processes (Honderich 1982, Yalowitz 2006 Section 6, Robb and Heil 2005 Section 5). These considerations argue that causation depends on properties as well as particulars. There are various accounts of causation that respect this requirement, the differences between which do not matter for present purposes. The important point is that, if mental and other prima facie non-physical causes are to be equated with physical causes, [any] non-physical properties must somehow be constituted by physical properties. If your anger is to cause what your brain state causes, the property of being angry cannot be ontologically independent of the relevant brain properties. So much is agreed by nearly all contemporary naturalists. At this point, however, consensus ends. One school holds that epiphenomenalism can only be avoided by type-identity, the strict identity of the relevant prima facie non-physical properties with physical properties. On the other side stand ‘non-reductive’ physicalists, who hold that the causal efficacy of non-physical properties will be respected as long as they are ‘realized by’ physical properties, even if they are not reductively identified with them. Type-identity is the most obvious way to ensure that non-physical and physical causes coincide: if exactly the same particulars and properties comprise a non-physical and a physical cause, the two causes will certainly themselves be fully identical. Still, type-identity is a very strong doctrine. Type identity about thoughts, for example, would imply that the property of thinking about the square root of two is identical with some physical property. And this seems highly implausible. Even if all human beings with this thought must be distinguished by some common physical property of their brains—which itself seems highly unlikely—there remains the argument that other life-forms, or intelligent androids, will also be able to think about the square root of two, even though their brains may share no significant physical properties with ours (cf. Bickle 2006). This ‘variable realization’ argument has led many philosophers to seek an alternative way of reconciling the efficacy of non-physical causes with the causal closure thesis, one which does not require the strict identity of non-physical and physical properties. The general idea of this ‘non-reductive physicalism’ is to allow that a given non-physical property can be ‘realized’ by different physical properties in different cases. There are various ways of filling out this idea. A common feature is the requirement that non-physical properties should metaphysically supervene on physical properties, in the sense that any two beings who share all physical properties will necessarily share the same non-physical properties, even though the physical properties which so realize the non-physical ones can be different in different beings. This arguably ensures that nothing more is required for any specific instantiation of a non-physical property than its physical realization—even God could not have created your brain states without thereby creating your feelings—yet avoids any reductive identification of non-physical properties with physical ones. (This is a rough sketch of the supervenience formulation of physicalism. For more see Stoljar 2001 Sections 2 and 3.) Some philosophers object that non-reductive physicalism does not in fact satisfy the original motivation for physicalism, since it fails to reconcile the efficacy of non-physical causes with the causal closure thesis (Kim 1993. Robb and Heil 2005 Section 6). According to non-reductive physicalism, prima facie non-physical properties are not type-identical with any strictly physical properties, even though they supervene on them. However, if causes are in some way property-involving, this then seems to imply that any prima facie non-physical cause will be distinct from any physical cause. Opponents of non-reductive physicalism object that this gives us an unacceptable proliferation of causes for the physical effects of non-physical causes—both the physical cause implied by the causal closure thesis and the distinct non-physical cause. In response, advocates of non-reductive physicalism respond that there is nothing wrong with such an apparent duplication of causes if it is also specified that the latter metaphysically supervene on the former. The issue here hinges on the acceptability of different kinds of overdetermination (Bennett 2003). All can agree that it would be absurd if the physical effects of non-physical causes always had two completely independent causes. This much was assumed by the original causal argument for physicalism, which reasoned that no sui generis non-physical state of affairs can cause some effect that already has a full physical cause. However, even if ‘strong overdetermination’ by two ontologically independent causes is so ruled out, this does not necessarily preclude ‘weak overdetermination’ by both a physical cause and a metaphysically supervenient non-physical cause. Advocates of non-reductive physicalism argue that this kind of overdetermination is benign, on the grounds that the two causes are not ontologically distinct—the non-physical cause isn't genuinely additional to the physical cause (nothing more is needed for your feelings than your brain states). There is room to query whether non-reductive physicalism amounts to a substantial form of naturalism. After all, the requirement that some category of properties metaphysically supervenes on physical properties is not a strong one. A very wide range of properties would seem intuitively to satisfy this requirement, including moral and aesthetic properties, along with any mental, biological, and social properties. (Can two physically identical things be different with respect to wickedness or beauty?) Supervenience on the physical realm is thus a far weaker requirement than that some property should enter into natural laws, say, or be analysable by the methods of the natural sciences. Indeed some philosophers are explicitly anti-naturalist about categories that they allow to supervene on the physical—we need only think of G.E. Moore on moral properties, or Donald Davidson and his followers on mental properties (Moore 1903, Davidson 1980). In response, those of naturalist sympathies are likely to point out that any viable response to the argument from causal closure will require more than metaphysical supervenience alone (Horgan 1993, Wilson 1999). Supervenience is at least necessary, if non-reductive physicalists are to avoid the absurdity of strong overdetermination. But something more than mere supervenience is arguably needed if non-reductive physicalists are to make good their claim that non-physical states cause the physical effects that their realizers cause. Metaphysical supervenience alone does not ensure this. (Suppose ricketiness, in a car, is defined as the property of having some loose part. Then ricketiness will supervene on physical properties. In a given car, it may be realized by a disconnected wire between ignition and starter motor.This disconnected wire will cause this car not to start. But it doesn't follow that this car's then not starting will be caused by its property of ricketiness. Most rickety cars start perfectly well.) So it looks as if the causal closure argument requires not only that non-physical properties metaphysically supervene on physical properties, but that they be natural in some stronger sense, so as to qualify as causes of those properties' effects. It is a much-discussed issue how this demand can be satisfied. Some philosophers seek to meet it by offering a further account of the nature of the relevant non-physical properties, for example, that they are second-order role properties whose presence is constituted by some first-order property with a specified causal role (Levin 2004). Others suggest that the crucial feature is how these properties feature in certain laws (Fodor 1974) or alternatively the degree of their explanatory relevance to physical effects (Yablo 1992). And reductive physicalists will insist that the demand can only be met by type-identifying prima-facie non-physical properties with physical properties after all.[6] There is no agreed view on the requirements for prima facie non-physical properties to have physical effects. This difficult issue hinges, inter alia, on the nature of the causal relation itself, and it would take us too far afield to pursue it further here. For the purpose of this entry, we need only note that the causal closure argument seems to require that properties with physical effects must be ‘natural’ in some sense that is stronger than metaphysical supervenience on physical properties. Beyond that, we can leave it open exactly what this extra strength requires. Some philosophers hold that mental states escape the causal argument, on the grounds that mental states cause actions rather than any physical effects. Actions are not part of the subject matter of the physical sciences, and so a fortiori not the kinds of effects guaranteed to have physical causes by any casual closure thesis. So there is no reason, according to this line of thought, to suppose that the status of mental states as causes of actions is threatened by physics, nor therefore any reason to think that mental states must in some sense be realized by physical states (Hornsby 1997, Sturgeon 1998). The obvious problem with this line of argument is that actions aren't the only effects of mental states. On occasion mental states also cause unequivocally physical effects. Fast Eddie Felsen's desire to move a pool ball in a certain direction will characteristically have just that effect. And now the causal closure argument bites once more. The snooker ball's motion has a purely physical cause, by the causal closure thesis. This will pre-empt Fast Eddie's desire as a cause of that motion, unless that desire is in some sense physically realized (Balog 1999, Witmer 2000). Other philosophers have a different reason for saying that mental states, or more particularly conscious mental states, don't have physical effects. They think that there are strong independent arguments to show that conscious states can't possibly supervene metaphysically on physical states. Putting this together with the closure claim that physical effects always have physical causes, and abjuring the idea that the physical effects of conscious causes are strongly overdetermined by both a physical cause and an ontologically independent conscious cause, they conclude that conscious states must be ‘epiphenomenal’, lacking any power to causally influence the physical realm (Jackson 1981; 1985. See also Chalmers 1995).[7] The rejection of physicalism about conscious properties certainly has the backing of intuition. (Don't zombies—beings who are physically exactly like humans but have no conscious life—seem intuitively possible?) However, whether this intuition can be parlayed into a sound argument is a highly controversial issue, and one that lies beyond the scope of this entry. A majority of contemporary philosophers probably hold that physicalism can resist these arguments. But a significant minority take the other side.[8] If the majority are right, and physicalism about conscious states is not ruled out by independent arguments, then physicalism seems clearly preferable to epiphenomenalism. In itself, epiphenomenalism is not an attractive position. It requires us to suppose that conscious states, even though they are caused by processes in the physical world, have no effects on that world. This is a very odd kind of causal structure. Nature displays no other examples of such one-way causal intercourse between realms. By contrast, a physicalist naturalism about conscious states will integrate[s] the mental realm with the **causal unfolding** of the spatiotemporalworld in an entirely familiar way. Given this, general principles of theory choice would seem to argue strongly for physicalism over epiphenomenalism.[9] If we focus on this last point, we may start wondering why the causal closure thesis is so important. If general principles of theory choice can justify physicalism, why bring in all the complications associated with causal closure? The answer is that causal closure is needed to rule out interactionist dualism. General principles of theory choice may dismiss epiphenomenalism in favour of physicalism, but they do not similarly discredit interactionist dualism. As the brief historical sketch earlier will have made clear, interactionist dualism offers a perfectly straightforward theoretical option requiring no commitment to any bizarre causal structures. Certainly the historical norm has been to regard it as the default account of the causal role of the mental realm.[10] Given this, arguments from theoretical simplicity cut no ice against interactionist dualism. Rather, the case against interactionist dualism hinges crucially on the empirical thesis that all physical effects already have physical causes. It is specifically this claim that makes it difficult to see how dualist states can make a causal difference to the physical world. It is sometimes suggested that physicalism about the mind can be vindicated by an ‘inference to the best explanation’. The thought here is that there are many well-established synchronic correlations between mental states and brain states, and that physicalism is a ‘better explanation’ of these correlations than epiphenomenalism (Hill 1991, Hill and McLaughlin 1999). From the perspective outlined here, this starts the argument in the middle rather than the beginning, by simply assuming the relevant mind-brain correlations. This assumption of pervasive synchronic mind-brain correlations is only plausible if interactionist dualism has already been ruled out. After all, if we believed interactionist dualism, then we wouldn't think dualist mental states needed any help from synchronic neural correlates to produce physical effects. And it is implausible to suppose that we have direct empirical evidence, prior to the rejection of interactive dualism, for pervasive mind-brain correlations, given the paucity of any explicit examples of well-established neural correlates for specific mental states. Rather our rationale for believing in such correlations must be that the causal closure of the physical realm eliminates interactive dualism, whence we infer that mental states can only systematically precede physical effects if they are correlated with the physical causes of those effects. G.E. Moore's famous ‘open question’ argument is designed to show that moral facts cannot possibly be identical to natural facts. Suppose the natural properties of some situation are completely specified. It will always remain an open question, argued Moore, whether that situation is morally good or bad. (Moore 1903.) Moore took this argument to show that moral facts comprise a distinct species of non-natural fact. However, any such non-naturalist view of morality faces immediate difficulties, deriving ultimately from the kind of causal closure thesis discussed above. If all physical effects are due to a limited range of natural causes, and if moral facts lie outside this range, then it follow that moral facts can never make any difference to what happens in the physical world (Harman, 1986). At first sight this may seem tolerable (perhaps moral facts indeed don't have any physical effects). But it has very awkward epistemological consequences. For beings like us, knowledge of the spatiotemporal world is mediated by physical processes involving our sense organs and cognitive systems.If moral facts cannot influence the physical world, then it is hard to see howwe can have any knowledge of them.

#### Legal precedence on my side- US courts have used the preamble as justification for legal action and as a metric for laws. Orgad summarizes

Liav Orgad.[Radzyner School of Law, The Interdisciplinary Center Herzliya. *The preamble in constitutional interpretation.* International Journal of Constitutional Law. Volume 8 Issue 4. 2010. Orgad thinks that the US constitution is more ceremonial and symbolic than substantive-I'm confused which way they go because they make arguments for both sides. I do not claim they think it is symbolic. I am using the to explain the argument

Nevertheless, **U.S. courts have invoked the preamble in constitutional interpretation.** Although the references are inconsistent, rhetorical, and far from conferring independent constitutional rights, they still provide the preamble with some constitutional weight. **Courts have used the term “We the people” to define the boundaries of the Constitution's applicability**,[32](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-32)hold the powers of the federal government,[33](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-33) indicate that the people—and not the states—are the source of the federal government's power,[34](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-34)challenge sovereign immunity,[35](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-35) and define who is a citizen.[36](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-36) Similarly, **the phrase to “establish Justice” has been invoked to expand federal jurisdiction**[37](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-37)**and to support invalidation of legal tender legislation.**[38](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-38)The phrase to “provide for the common defense” has likewise been used to broaden congressional power[39](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-39) and uphold exclusion from citizenship.[40](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-40)In addition to its interpretive role, the preamble exerts a meaningful, although indirect, influence of congressional decision making.[41](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-41)In spite of these references, the U.S. preamble is not, by and large, a decisive factor in constitutional interpretation. Its relatively meager use in constitutional adjudication has been criticized. “It is regrettable that law professors rarely teach and that courts rarely cite the Preamble,” Sanford Levinson notes, as it is “the single most important part of the Constitution.”[42](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-42) For Levinson, the preamble is “the equivalent of our creedal summary of America's civil religion.”[43](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-43) For Mark Tushnet, the “thin” Constitution of the United States is anchored in the principles of the Declaration of Independence and the preamble.[44](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-44) Milton Handler, Brian Leiter, and Carole Handler charge the courts with ignoring the preamble: “we can discern no reason why [its] rules of construction should not obtain in the constitutional context.”[45](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-45) They mention that **disregard of the preamble conflicts with the status of recital clauses** of contracts, legislative declarations of purpose in statutes, and preambles to international treaties[46](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-46)—all of which do guide the court in judicial decision making.[47](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-47) For them, the preamble ought to play a more significant role in constitutional decisions.[48](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-48) Other scholars have argued that **courts should accord the preamble legal force for the sake of future generations.** In referring to Roe v. Wade, Raymond Marcin has claimed that the question of yet-to-be-born descendants requires a solution that finds its foundation in the preamble—the blessings of liberty for the people but also for posterity—which includes fetuses, as well.[49](http://icon.oxfordjournals.org/content/8/4/714.full%22%20%5Cl%20%22fn-49)

#### 1] Err aff - Supreme Court ruled that it's illegal to distribute antiwar propaganda in wartime because it promotes undue harm to citizens- amendments have restrictions if they threaten overall well-being, which is the first constitutive obligation under the Constitution- this is an additional reason to prefer my framework.

### Extra contractualist cards

#### Internal motivation - moral values have a significance only my framework accounts for, Scanlon 2k

SCANLON **[T.M. Scanlon, “What We Owe to Each Other”, 2000, cw//az recut]**

In our assessments of ourselves and others, being “left cold” by morality counts as [is] a more important fault than merely failing to see the force of reasons of some other kind. The task of this section is to show how contractualism can explain[s] this importance. Let me begin by considering some of the things that we might say about amoralists, who can understand the difference between right and wrong but do not see, and perhaps even deny, that it is anything they have reason to care about. First, unless their situation differs from ours in ways that are morally relevant, we must say that the moral reasons that apply to us apply to these people as well. This much is required by what I called, in Chapter 1, the universality of reason judgments. Looked at in this way, their case is quite different from that of people who “have different tastes,” such as those who do not enjoy skiing or do not like the taste of bananas. In these cases, the main point of the activities in question is a certain kind of enjoyment; so people who do not get this enjoyment from the activities lack reasons to engage in them. But morality is not aimed at enjoyment, so the reasons to give it a place in one’s life are not conditional in this way. Failure to care about right and wrong does not make a person irrational in the sense in which I am using that word, but a person who is left cold by moral considerations does fail to appreciate reasons that apply to him or her. Just saying this, however, does not seem to capture the seriousness of such a failure. There are many other cases of people who fail to see the force of certain reasons, such as people who fail to see the value of science or of historical understanding, and people who think that the Grand Canyon is just a big ditch that might as well be filled in if that proves to be economically advantageous. All these people can be said to be “missing something” in at least two senses: there is a category of reasons, a form of value, that they are failing to appreciate; and their lives are poorer because of this lack. But it would understate our reaction to an amoralist to say only [they] ~~that he or she is~~ [are] “missing something” in these senses. So we need a further explanation. I should emphasize that what I am trying to explain here is not the special stringency of moral considerations—some special rational force—that moral reasons have over the agents to whom they apply, but rather the special significance for us of someone’s failing to be moved by these reasons.12 To understand this significance it will be helpful to return to a point made at the end of Chapter 1, that the reasons that a person recognizes are important to us because they affect the range of relations we can have with that person. In many cases these effects are quite local. If someone does not see the point of music, or of chess, or does not appreciate the grandeur of nature, then one cannot discuss these things with him or enjoy them together. “Blind spots” such as these may stand in the way of certain relations with a person, but they leave much of life untouched. A person who cannot share our enthusiasm for one or another valuable pursuit can still be a good neighbor, co-worker, or even friend. The effects of a failure to be moved by considerations of right and wrong are not, however, confined in this way. This failure makes a more fundamental difference because what is in question is not a shared appreciation of some external value but rather the person’s attitude toward us— specifically, a failure to see why the justifiability of his or her actions to us should be of any importance.13 Moreover, this attitude includes not only us but everyone else as well, since the amoralist does not think that anyone is owed the consideration that morality describes just in virtue of being a person. People with a consuming interest in one activity often feel that a large gulf separates them from those who cannot see the point or value of that pursuit. The gulf that some religious people feel separates them from unbelievers may be an extreme case of this. But even this feeling of distance has the personal character I have just mentioned only if the believer feels that denying his religion involves denying his standing as a person and that of others as well. Conceivably, some believers may see things this way. What I am suggesting is that almost all of us have reason to see the gulf separating us from an “amoralist” as having this character, and that this accounts for the special importance we attach to seeing the force of moral considerations.14

#### purely agent neutral or agent relative concerns don’t capture wrongness. neutrality doesn’t account for relations among people – when I harm someone, I do something wrong to *them*. relativity explains that I act to satisfy my obligations to an ideal, not because people have moral worth. Contractualism solves, Ridge 01

 Michael Ridge “Saving Scanlon: Contractualism and Agent-Relativity” Journal of Political Philosophy 9 (4):472–481. 2001.

Of course, this reply assumes that it is plausible to suppose that we should give substantial moral weight to people’s reasonable agent-relative complaints as such. This, it seems to me, is where some important issues surface, but the critics who object that contractualism is otiose have not thereby engaged those issues at all. Furthermore, Scanlon has made a prima facie case for supposing that common-sense morality gives weight to agent-relative complaints as such, and the critics’ standard objection does not address that case at all. It is worth very briefly reviewing some of the main lines of Scanlon’s argument here. First, **giving such weight to agent-relative objections fits** well **with the way** in which our **moral practice encourages us to take other people’s points of view** (“How would you like it if I did that to you?”). Intuitively, it seems plausible to suppose that **a potential victim’s complaint does not have to invoke purely agent-neutral considerations** to be morally relevant. **To appreciate** the **importance** of your agent relative concernto pursue a particular and perhaps idiosyncratic project (e.g., to write a novel), **I must really try to “put myself in your shoes,”** and common-sense morality does suppose that it is deeply important that we engage in this sort of “ideal role-playing.” 14 Whereas to appreciate the agent-neutral disvalue of pain it does not seem that I need to occupy an alternative perspective. Second, contractualism can explain what goes wrong with intuitively implausible forms of aggregation in which a very small benefit to very many people could (in principle) justify an enormous harm to a particular individual (see pp. 229-241). It is precisely because each individual’s agent-relative objections are given weight that Scanlon’s view can better track common-sense moral intuitions in such cases. Third, Scanlon plausibly argues that many of the most common forms of moral bias stem from failure to take seriously enough others’ agent-relative complaints (see p. 206). Fourth, **the appeal to a victim’s agent-relative objection helps capture our sense that immoral actions can wrong particular person(s), rather than being wrong “from the point of view of the universe**.” 15

## Substance

### Politics – benefit trump/dems

### Politics – bad for trump/dems

### Politics – rider

### Bonding reform

Brandi Buchman. [D.C. politics, SCOTUS, foreign policy, legislation, transparency, net neutrality, FISC, human rights, environmental news, science and space technology, armed forces news] Courthouse News Service“House Democrats Call for Overhaul of Oil-Leasing Rules. “ September 24, 2019 <https://www.courthousenews.com/house-democrats-call-for-overhaul-of-oil-leasing-rules/>

The Government Accountability Office’s report found **most bonds held by the Bureau of Land Management are insufficient to reclaim wells on public lands, meaning taxpayers are almost always left on the hook to pay for site maintenance or clean up when a developer goes belly up. Forty-four percent of all coal produced in the U.S. since 2012 has come from companies that have filed for bankruptcy. Many of those same companies were self-bonded** or pool-bonded. **“Under current law, cost of reclamation can be guaranteed through self bonding, but a self bond is merely a promise to pay and is not backed by a surety.** That might have made sense when coal companies were some of the most valuable businesses in the world but times have changed,” said Congressman Matt Cartwright, D-Pa. H.R. 4364, backed by Democrats, also requires states to run studies that determine the solvency of a bond pool every five years and would force developers to fully disclose all available assets and real estate used for bonding purposes. Ryan Alexander, president of Taxpayers for Common Sense, told lawmakers that **three of the nation’s largest coal companies were all self-bonded and all declared bankruptcy in 2015 and 2016.**

### Poll

### A2 fed

fed

king & murray

1. o/w happens in a year

2. europe and china

davey 16

1. global economy is entering a long period of stagnation

2.. trade war already happens - no impact uniqueness. third party countries could also drag in regardless

3.

### A2 grid

#### A switch to renewables is key to an environmentally sustainable energy system – coal dependence causes grid instability

Gilbert 16 [Alex, cofounder of SparkLibrary, a platform desined to make energy research faster, better, and easier. At SparkLibrary, Alex handles product design and oversees policy and market analysis. Previously, Alex worked at the market research firm, EBW Analytics Group, where he analyzed electricity, natural gas, and oil markets for industry clients, “The Environmental Case for Natural Gas and Renewable Energy” <http://www.theenergycollective.com/aqgilbert/2322410/environmental-case-natural-gas-and-renewable-energy> ] \*recut\* northview sd

With the right policies, renewable energy and natural gas can lead to an energy system with low environmental impacts. Compared to coal, natural gas has lower CO2 emissions, air quality, and water impacts while renewable energy has lower environmental impacts than either coal or natural gas. In the short term, natural gas can reduce emissions while renewables scale up. In the long term, renewables can limit natural gas consumption to only that necessary to balance renewable intermittency. NG and RE are Environmental Complements as Well [Part 1 of this analysis](https://www.sparklibrary.com/the-case-for-natural-gas-and-renewable-energy/) described how renewable energy and natural gas make good allies from a financial perspective. In short, high capital cost, low marginal cost renewables balance well with low capital cost, high marginal cost natural gas. Renewables provide a key hedge against natural gas price volatility while natural gas’ ability to dispatch enables higher levels of renewable energy. In this second part of the analysis, I focus on how natural gas and renewable energy work well together from an environmental perspective. Very simply, renewable energy and natural gas have better environmental profiles when compared to coal. Although renewable energy is better than natural gas environmentally, both lead to significant reductions in air emissions and power plant water withdrawals. From a systemic perspective, the combined environmental attributes of a joint renewable energy and natural gas system are much higher than systems that are dominated by either type of energy individually. Renewables Have No Significant Air Emissions From an environmental perspective, wind and solar are probably the lowest impact energy sources available. They do not emit any toxic air pollutants or greenhouse gasses during operation. The absence of traditional air pollutants (SO2, NOx, mercury) is especially notable. By reducing these air pollutants, [renewables from RPS policies](https://www.sparklibrary.com/state-rpss-central-to-renewable-energy-growth/) provided [$2.6-9.9 billion in health and environmental benefits in 2013 alone](http://www.nrel.gov/docs/fy16osti/65005.pdf). When accounting for upstream manufacturing, the median lifecycle greenhouse gas emissions of renewables are also minuscule compared to fossil fuel sources: Solar photovoltaics: [44 g CO2e/kWh](http://www.nrel.gov/analysis/sustain_lca_pv.html) Onshore wind: [12 g CO2e/kWh](http://www.nrel.gov/analysis/sustain_lca_wind.html) Natural gas combustion turbines: [670 g CO2e/kWh](http://www.nrel.gov/analysis/sustain_lca_ngas.html) Natural gas combined cycles: [450 g CO2e/kWh](http://www.nrel.gov/analysis/sustain_lca_ngas.html) Coal: [979 g CO2e/kWh](http://www.nrel.gov/analysis/sustain_lca_coal.html) Renewables also have smaller variations in their lifecycle greenhouse gas profiles compared to natural gas, coal, or oil. Different plant efficiencies and upstream emissions for fossil fuels can lead to significant variations in lifecycle carbon intensity, posing distinct plant-level and upstream greenhouse gas management challenges for different countries. Lifecycle Greenhouse Gas Emissions for Electricity Generation Sources Source: [NREL/IPCC](http://www.nrel.gov/analysis/sustain_lca_results.html) Solar and Wind have Minimal Water Needs Solar photovoltaics and wind are also great resources from a water perspective. Traditional thermal power plants (coal, natural gas, and nuclear) with once-through cooling [withdraw 20,000-60,000 gallons of water per MWh](http://www.ucsusa.org/sites/default/files/attach/2014/08/ew3-freshwater-use-by-us-power-plants.pdf). In total, thermal power plant water withdrawals accounted for 161 billion gallons per day in 2010, [45% of total water withdrawals in the U.S.](http://pubs.usgs.gov/circ/1405/pdf/circ1405.pdf) Comparably, once built, solar PV and wind do not withdraw or consume water. This has two major implications. First, thermal plants and hydro facilities can be heavily impacted by drought, which can reduce their output significantly and impact grid reliability. Second, thermal plants and hydro facilities can impact surrounding watersheds, aggravating the impacts of drought on both human and natural systems. With climate change potentially worsening droughts worldwide, the drought resilience of solar and wind are valuable environmental attributes. State RPS policies, [primary drivers of renewable energy growth to date](https://www.sparklibrary.com/state-rpss-central-to-renewable-energy-growth/), reduced power sector [water withdrawals and consumption by 2% in 2013](http://www.nrel.gov/docs/fy16osti/65005.pdf). Critically, the largest reductions occurred in California and Texas, especially water stressed regions. Land Use Concerns Could Delay Renewable Growth While very good on the air and water front, solar and wind do have distinct land use issues. Both energy sources require large amounts of land to produce electricity and [their resources have regional constraints](https://www.sparklibrary.com/the-u-s-electricity-system-in-15-maps/). Wind projects frequently run into local opposition worried about the impact of the turbines on view sheds and property values. [At its most extreme, this NIMBYism](http://www.theatlantic.com/personal/archive/2010/04/can-wind-power-survive-the-nimby-syndrome/39251/) was responsible for more than a decade of challenges to the flagship offshore Cape Wind Project. Utility-scale solar projects also face notable land use challenges. [A recent study in the Proceedings of the National Academy of Science found](http://www.pnas.org/content/112/44/13579.short?rss=1) that the majority of solar power plants in California were sited in natural environments and were close to protected areas. Opponents of renewable energy often play up these land use issues while proponents often dismiss them. In reality, the situation is pretty straightforward – land use issues do not make renewable energy an unattractive energy source but they are legitimate concerns. [Better planning](http://www.ucsusa.org/sites/default/files/legacy/assets/documents/clean_energy/conservation-renewables-fact-sheet.pdf) and [community outreach](https://training.ny-sun.ny.gov/images/PDFs/Land_Use_Planning_for_Solar_Energy.pdf) can address many land use challenges. Nevertheless, land issues can delay projects, increase project risk, and could become larger impediments to renewable energy growth if wind and solar continue to scale up rapidly. Natural Gas Enables Greater Renewable Buildouts Although land issues can delay renewables, they are not the main challenge with using wind and solar to green the power sector. Rather, the primary environmental challenge for solar and wind is the time it will take to build enough renewable energy to replace dirtier fuels. As discussed in Part 1, the capital intensive nature of solar and wind make them less scalable than natural gas in the short term. Even in best case deployment scenarios, solar and wind will take years to fully replace coal. In this context, there are three primary ways that natural gas can enhance the environmental benefits of using renewable energy: reducing coal generation in the short term as renewables are built out, balancing intermittency to allow more renewables to be used in the mid-term and beyond, and by pairing renewables with natural gas employing carbon capture in the long-term. During the last several years, increased natural gas generation brought significant environmental benefits by reducing coal generation. Since the shale revolution began in the late-2000’s, coal generation has fallen as natural gas generation rose. This has brought significant environmental benefits, as discussed further below. As the chart above indicates, natural gas is now passing coal as the primary electricity source in the U.S. Despite the recent rapid gains in wind and solar, their overall generation share remains low. Natural gas can quickly reduce air pollution and water impacts from coal during the next 10 years, buying time for [renewables to grow to their full potential](https://www.sparklibrary.com/the-future-of-rps-policies/). Natural gas can also play a critical role in [balancing out the intermittency poised by wind and solar generation](http://blogs.scientificamerican.com/plugged-in/renewable-energy-intermittency-explained-challenges-solutions-and-opportunities/). While this balancing is a key factor behind the [financial synergies of renewables and natural gas](https://www.sparklibrary.com/the-case-for-natural-gas-and-renewable-energy/), it is also beneficial for their environmental synergies. Natural gas power plant dispatch is more flexible than coal or nuclear, so it can support higher levels of renewables than other types of grid configurations. Finally, carbon capture can [make natural gas a very low carbon power source](https://www.sparklibrary.com/is-carbon-capture-for-natural-gas-the-missing-climate-solution/). An electric system balanced between nuclear, hydro, solar, wind, and natural gas with carbon capture can provide an optimal low-cost, reliable system with very limited climate or environmental impacts. Natural Gas has Moderate Environmental Impacts Although renewable energy is better, natural gas still has an attractive environmental profile compared to coal. Perhaps the most heralded environmental characteristic of natural gas is its lower carbon emissions compared to coal. On an energy basis (per MMBtu), natural gas is 43% less carbon intensive than coal. Moreover, most natural gas is burned in power plants that use efficient combined cycle technology. On an electricity generation basis (per MWh), natural gas combined cycle power plants can thus be around 57% less carbon intensive compared to existing coal plants. This lower carbon intensity explains the major role natural gas has played in the U.S. reducing power sector carbon emissions more than 15% since 2005. While the carbon benefits of natural gas get the most attention, the air pollution benefits compared to coal are potentially more important. Natural gas facilities emit [negligible amounts of SO2, particulate matter, and mercury](http://www.netl.doe.gov/File%20Library/Research/Energy%20Analysis/OE/BitBase_FinRep_Rev2a-3_20130919_1.pdf). Although natural gas power plants do still emit NOx, they emit significantly less than coal plants. Coal plants face increasingly stringent environmental regulations due to their air pollution. Low natural gas prices have led to coal plants retiring instead of retrofitting with pollution controls (which still have notable emission levels). The U.S. is now reaching decade lows in NOx and SO2 emissions. Low natural gas prices played a critical role in [achieving power sector reductions since 2008](http://www.eia.gov/todayinenergy/detail.cfm?id=10151). One estimate found that natural gas alone was responsible for reducing SO2 and NOx emissions in the power sector [by 40-44% in the last decade](http://onlinelibrary.wiley.com/doi/10.1002/2013EF000196/full). Water Impacts Better than other Thermal Power Plants At the power plant, natural gas is also good on the water front. When using similar cooling technologies, natural gas withdraws and consumes less water than coal or nuclear. However, the timing of the natural gas build out in the United States has led to very different cooling technology properties for the natural gas fleet. Almost all nuclear and coal power plants in the U.S. were built decades ago, meaning they primarily [use water withdrawal-intensive once-through cooling](http://www.eia.gov/todayinenergy/detail.cfm?id=14971). Most existing natural gas combined cycle capacity has been built since the 1990’s when recirculating cooling technology became more widely used. As a result, most natural gas power plants withdraw a fraction of the amount of water that nuclear or coal units do, with similar consumption levels. More importantly, natural gas power plants are still being built in the U.S. – these new builds are able to take advantage of dry or hybrid cooling technologies which virtually eliminate water withdrawals and consumption. These systems do bring efficiency penalties, but are ideal in drought-prone areas like Texas. Upstream Impacts are Major Environmental Question for Natural Gas While the air quality and water impacts at the power plant level are limited, the upstream environmental impacts of natural gas are potentially troubling. Hydraulic fracturing, [now responsible for the majority of U.S. natural gas production](http://www.eia.gov/conference/2015/pdf/presentations/staub.pdf), is a water intensive process. It has caused competition for [water resources in water-stressed regions](http://www.gao.gov/assets/680/671913.pdf). In Oklahoma, the use of waste water injection wells has also caused a significant increase in earthquakes. This water usage intensity leads to water quality concerns. [A major study by EPA](http://www.epa.gov/sites/production/files/2015-06/documents/hf_es_erd_jun2015.pdf) on the water impacts of hydraulic fracturing recently found no evidence “widespread, systemic impacts on drinking water resources in the United States.” However, its Science Advisory Board has since questioned that conclusion, noting contradictions between high level findings and the body of the report, as well as challenges from a distinct lack of data. These are major issues that need more scientific study to fully understand their severity and, importantly, how policy can be used to mitigate their impact. Methane Leakage is a Key Uncertainty Perhaps no area is more contentious in the debate about the sustainable use of natural gas than methane leakage. As methane is a stronger greenhouse gas that carbon dioxide, relatively small leaks in natural gas infrastructure hurt the lifecycle carbon benefits of natural gas over coal. The [best meta-analysis](http://www.novim.org/images/pdf/ScienceMethane.02.14.14.pdf) of these numbers to date, however, indicate that leakage is not high enough to completely eliminate the climate benefits of natural gas compared to coal, particularly over long time scales. Indeed, the relative youth of the U.S. natural gas fleet compared to the coal fleet impacts the equation. Inefficient coal units are being replaced by very efficient natural gas combined cycles. This reduces the negative impacts of methane leakage on [natural gas lifecycle emissions greatly](http://iopscience.iop.org/article/10.1088/1748-9326/9/11/114022). Nevertheless, methane leakage is an environmental issue that needs to be addressed. [Well-designed regulations](http://www.scientificamerican.com/article/colorado-first-state-to-limit-methane-pollution-from-oil-and-gas-wells/) can reduce leakage while minimizing impact to industry. Longer term, [carbon capture for natural gas can reduce lifecycle emissions of natural gas significantly](https://www.sparklibrary.com/is-carbon-capture-for-natural-gas-the-missing-climate-solution/), minimizing the importance of leakage. At leakage rates of 1-3% (likely levels following leakage regulation), carbon capture can reduce lifecycle greenhouse gas emissions of natural gas by 56-70%. Renewables Limit Natural Gas Consumption In conclusion, key environmental characteristics make grid systems with a mix of renewable energy and natural gas ideal. In the short term, natural gas generation can quickly ramp up to replace coal use, driving reductions in CO2 emissions, plant-level water impacts, and toxic air pollution. Long term, solar and wind can grow into roles as dominant energy sources, virtually eliminating many environmental impacts in the process. The long term replacement pattern that this puts forth likely means that the environmental negatives for natural gas should have increasingly lower effects over time, as consumption decreases.

### A2 econ

#### The aff reinvigorates coal due to its perception as clean

#### Investor confidence in coal weak now despite performance but could resuscitate – trade war thumps ur da, Hall 8/1

Here's Why These Coal Stocks Got Crushed on Thursday. Jason Hall Aug 1, 2019 at 5:00PM. Motley Fool <https://www.fool.com/investing/2019/08/01/heres-why-these-coal-stocks-got-crushed-on-thursda.aspx> cw//az DOA 11/05/2019

**Shares of** three North American **coal producers, Peabody** Energy (NYSE:BTU), Arch Coal (NYSE:ARCH), and Warrior Met Coal (NYSE:HCC), **were down** 11.6%, 11.8%, and **12**.7**%** respectively at 3:40 p.m. EDT on Aug. 1. Both Peabody and Warrior Met Coal are down today following the release of their second-quarter earnings after market close on July 31. Arch Coal, which reported earnings about a week ago, seems to be riding Peabody's coattails downward today. Let's start with **Peabody**: It reported revenue of $1.15 billion, **down from $1.31 billion** last year but relatively in line with Wall Street estimates, and **earnings** of $0.34 **per diluted share, down** by almost **two-thirds** from last year. Next, **Warrior Met Coal**, a small, metallurgical coal-focused miner, reported pretty solid results. It sold 2.2 million short tons of coal, a record amount and **up 14%** year over year. Earnings per share were $2.43, up 41% from $1.72 per share last year. The company **also** generated **solid positive operating and free cash flow** in the quarter. Moreover, Warrior Met raised its full-year coal sales and production guidance from a range of 7.1 million to 7.6 million short tons, to one between 7.5 million and 7.9 million short tons. Nonetheless, the market's fears (more on those below) more than overrode any positives from its earnings release. Where does Arch come into this? Arch and Peabody recently announced a joint **venture in** Wyoming's Powder River **Basin**, where both companies have substantial coal mining operations; while that's a small part of the whole for each business, the two have relatively similar profiles and operations, so it's not surprising to see their stocks move together. But these recent earnings reports are only part of what's probably driving today's big sell-off. Now what Looking beyond Peabody's and Warrior Met Coal's earnings results, today's **declines are** very likely **due** in part **to** the **Trump** administration'**s** plan for an additional 10% in **tariffs** on top of existing trade actions on Chinese goods. In all, these new tariffs would affect some $300 billion in (largely) consumer goods. But investors clearly worry that **escalating** the U.S.-China trade war further, at a time when many global economic indicators point toward slowing economic growth, could **compound matters**. All this comes back around **to** highly **cyclical industries that provide substantial business to** these **coal** miners, including steelmakers -- and through them, heavy industry, which uses steel to build everything from washing machines to container ships. Simply put, fears of global recession, which would play havoc for coal miners, dominate investor sentiment. And that's before we even factor in the reality for **coal** used to generate electricity: It **continues to lose market share** around the world **to** cheaper and cleaner-burning **natural gas**. Put it all together, and today was a bad day for coal, in what has been a bad decade for this out-of-favor hydrocarbon. Sure, **all three** of these coal stocks **could bounce back**, and Warrior Met's niche in metallurgical coal for steel production should give it better long-term prospects. However, there are many very good reasons for investors to avoid the coal sector.

### A2 jobs

#### We’re one step ahead of you establishing a just energy transition, turentine 10/18

We Need a Just Transition—Because We Should Abandon Coal, Not Coal Workers Taking care of those communities distressed by the shift from fossil fuels to renewable energy is an economic and ethical imperative. October 18, 2019 Jeff Turrentine

Even if clean energy champions, environmentalists, and climate activists weren’t working together to end the burning of coal, the dirtiest of all fossil fuels would still be on its way out. The free market is seeing to that. As the cost of renewables continues to fall and the production of cheap natural gas continues to rise, coal has lost whatever competitive advantage it once enjoyed over other energy sources. By next year, coal consumption in our country’s power sector is expected to drop to its lowest level since 1978. That would represent a decline of 27 percent since 2016. The nation’s older, smaller coal plants have been disappearing for more than a decade; now, even the newer, larger ones are being retired at a rapid clip. On the one hand, that’s to be celebrated: Every coal-fired power plant that goes offline, be it large or small, means fewer pollutants poisoning our lungs and water and fewer greenhouse gases warming the planet. But on the other hand, there is cause for real concern. Whenever a coal-fired power plant or a coal mine shuts down, jobs are lost and workers, their families, and their entire communities suffer. To address these unfortunate consequences, organizations and governments pushing for a coal phaseout have begun to emphasize the importance of establishing a “just transition” for those who have been, or will be, most affected by these closures. The still-young concept is deliberately amorphous, since each community’s needs will differ from the next. But however the transition manifests, the goal is the same: ensuring that no one gets left behind as we shift from one energy economy to another, and that everybody who wants one has a role to play in what’s to come. In Brussels last week, members of the European Commission—the executive arm of the European Union, responsible for crafting and implementing policy—met in a high-level conference to discuss the immediate social impacts of the European Union’s commitment to reducing carbon emissions. Among the topics discussed: whether the €4.8 billion recently proposed for an Energy Transition Fund is actually enough to aid Europe’s coal-dependent regions as they move from fossil-fuel production to the clean energy future, or whether it’s just “a drop in the ocean in terms of the challenges that these places face,” in the words of one critic. The Europeans are vigorously arguing about what a just transition should look like—but that’s a good thing. Here in the United States, the conversation about how to help communities adapt to a post-coal reality has barely begun. One organization, the Just Transition Fund, has moved beyond stipulating the need for such assistance and is actively providing it by funding “community-based transition efforts that align with our commitment to sustainable economic development, equity, and energy resilience” in more than a dozen states throughout Appalachia, the Midwest, and the Mountain West. As the only national organization of its kind, the Just Transition Fund has converted millions of dollars in grant money from Google, Bloomberg Philanthropies, and others into retraining programs, job creation, and new business development for areas hit hard. Workers install solar panels in Huntington, West Virginia. Sholten Singer/The Herald-Dispatch via AP When she was a presidential candidate, Hillary Clinton made a $30 billion economic redevelopment plan for coal country central to her climate policy, stating the need “to ensure that coal miners and their families get the benefits they’ve earned and respect they deserve, to invest in economic diversification and job creation, and to make coal communities an engine of U.S. economic growth in the 21st century as they have been for generations.” By contrast, the man who defeated her, Donald Trump, once proposed eliminating the Appalachian Regional Commission, a major source of economic relief for coal-dependent areas in the Southeast—very odd behavior for someone who claims to care deeply about the plight of coal workers. (Trump later changed his tune, but apparently only after Senate Majority Leader Mitch McConnell, a Kentuckian, quietly but forcefully intervened.) Thankfully—as has been so often the case during the current presidential administration—leaders at the state level are taking seriously what the president so clearly doesn’t. Earlier this year, Colorado Governor Jared Polis signed legislation inaugurating his state’s Just Transition Office, the first of its kind in the nation and a potential model for other states (or even the United States as a whole) to follow. Polis, who has made getting Colorado to 100 percent renewable energy by 2040 a top priority, understands that the road to a post-coal future will be a bumpy one for thousands of people in his state, which ranks 11th nationally in coal production. Among its other duties, the new office will administer workforce retraining grants and other benefits to displaced coal workers in rural Colorado counties that contain at least 50 employees affected by the phaseout of fossil fuel production. One provision in the legislation even mandates that the state pay a “wage differential benefit” to workers whose new jobs pay less than their old ones. The language of the bill that led to the creation of the Just Transition Office summarizes the situation that Colorado and other states now find themselves in—a situation with not only economic but ethical dimensions. “The communities that host retiring power plants may lose principal contributors to their tax base and revenue for vital local government services,” its authors observed. “A strong and comprehensive policy is needed to invest new financial resources in coal communities that are seeking to diversify and grow their local and regional economies in a manner that is both sustainable and equitable.” The bill’s drafters also noted that policies “must ensure that the clean energy economy fulfills a moral commitment to assist the workers and communities that have powered Colorado for generations, as well as the disproportionately impacted communities who have borne the costs of coal power pollution for decades.” Or to put it another way: Coal workers gave to their employers, and to their communities, for many years. Their labor was difficult and often dangerous. As we say goodbye to the coal industry and the jobs it supported and usher in a new era of renewable energy, these workers should be thanked for all that they’ve done. And the best way to show our appreciation to them is to make sure that they’re given every possible chance to take part in the energy economy of the future—and that they’re well taken care of in the meantime.

### Extra ! cards

#### Eliminating subsidies requires congressional action Chen 18

Han Chen (International Climate Advocate, Global Advocacy, International Program, Natural Resources Defense Council). “Can the US Phase Out Fossil Fuel Subsidies?” Our Energy Policy. 25 June 2018. JDN. h�ps://www.ourenergypolicy.org/can-the-us- phase-out-fossil-fuel-subsidies/ cw//az recut

The first step to eliminate subsidies is to do a full accounting of those that exist. The US completed a subsidy “peer review” in 2016. While the official US report contained gaps, it did include a list of substantial subsidies in need of reform: $1.6 billion in sub- sidies for expensing of intangible drilling costs, $966 million in unnecessary write-offs for depletion of oil and gas wells, a domestic manufacturing deduction of $1.0 billion, along with many other subsidies. The next step is to **eliminate subsidies:** which will **require action through Congress**. It’s time for **lawmakers** to **phase out government sup- port for fossil fuel production**, while ensuring a just transition for workers involved in these industries.

#### Abandoned mines are destroying the landscape that o/ws: 1. Uniqueness – hits bioD hotspots 2. Scope – poisons everyone’s air 3. Reversibility / longevity: need to address the pollution that festers for centuries UCS 16

“The Hidden Costs of Fossil Fuels.” Union of Concerned Scientists. Updated Aug 30, 2016 <https://www.ucsusa.org/resources/hidden-costs-fossil-fuels> cw//az DOA 10/31/2019

We’ve all paid a **utility bill** or purchased gasoline. Those represent the direct costs of fossil fuels; money paid out of pocket for energy from coal, natural gas, and oil. But those expenses **don’t reflect the total cost of fossil fuels** to each of us individually or to society as a whole. **Known as externalities, the hidden costs of fossil fuels aren’t represented in their market price**, despite serious impacts to our health and environment. Externalities are sometimes easy to see, such as pollution and land degradation, and sometimes less obvious, such as the costs of asthma and cancer, or the impacts of sea level rise. Many consequences are far removed from our daily lives and may only affect a minority or marginalized subset of the population. **Costs accrue at every point of the fossil fuel supply chain**. Extraction processes can generate air and water pollution, and harm local communities. Transporting fuels from the mine or well can cause air pollution and lead to serious accidents and spills. When the fuels are burned, they emit toxins and global warming emissions. Even the waste products are hazardous to public health and the environment. **Understanding these impacts is critical for evaluating the true cost of fossil fuels—and for informing our choices around the future of energy production.** What are fossil fuels? Fossil fuels are rock-like, gas, or liquid resources that are burned to generate power. They include coal, natural gas, and oil, and are used as an energy source in the electricity and transportation sectors. They’re also a leading source of the world’s global warming pollution.

**They continue**

Adverse impacts to the environment are another significant cost of underground coal mining. **Mines can collapse** or gradually subside, **affecting** surface and subsurface **water flows. Mine fires also occur, particularly in abandoned mines. And acid mine drainage at underground coal mines can be a long term environmental management issue; according to the US Environmental Protection Agency (EPA), if active and abandoned coal mines are not properly managed, water can sometimes flow through the mine and become highly acidic and rich in heavy metals. The resulting drainage water is detrimental to human, plant, and animal life [**4]. Surface mining Surface mining involves removing the overlaying soil to access the coal below, devastating local environments. Mountaintop removal, a particularly destructive form of surface mining, involves stripping all trees and other vegetation from peaks and hilltops, and then blasting away hundreds of feet of the earth below with explosives. **More than 500 mountaintop removal sites exist throughout the Appalachia region, impacting nearly 1.4 million acres of land** [5]. The process results in both short- and long-term environmental impacts. In the short term, **huge volumes of excess rock and soil are typically dumped into adjacent valleys and streams, altering their ecosystems and diverting the natural flow of streams. In the long term, coal removal sites are left with poor soil that typically only supports exotic grasses. Buried valleys are similarly slow to rebound. The EPA reports that as of 2010, mountaintop removal coal extraction had buried nearly 2,000 miles of Appalachian headwater streams, some of the most biologically diverse streams in the country** [6]. **Surface mining can also directly impact the health and safety of surrounding communities. Mudslides, landslides, and flashfloods may become more common. And depending on the chemical makeup of the coal deposit, mines can pollute local drinking water sources with toxic chemicals like selenium, arsenic, manganese, lead, iron, and hydrogen sulfide [**7]. A Harvard University study, which assessed the life cycle costs and public health **effects** of coal from 1997 to 2005, found a **link to lung, cardiovascular, and kidney diseases**—such as diabetes and hypertension—and an elevated occurrence of **low birth rate** and preterm births associated with surface mining practices. The **total cost**? An estimated $**74.6 billion** every year, equivalent to4.36 cents per kilowatt-hour of electricity produced—about **one-third of the average electricity rate for** a typical US **home** [8].

#### Abandoned coal mines cause methane

“UNECE guidance to reduce emissions of methane from abandoned coal mines will support climate action.” United Nations Economic Commission for Europe. Published: 30 September 2019 <https://www.unece.org/info/media/presscurrent-press-h/sustainable-energy/2019/unece-guidance-to-reduce-emissions-of-methane-from-abandoned-coal-mines-will-support-climate-action/doc.html> cw//az 10/31/2019

**Methane is** a powerful short-lived climate pollutant. It **is** also **the main precursor of** tropospheric **ozone** (O3). Over a 20-year period, **methane’s effect on** global **warming is 84 times greater than carbon dioxide**. Fossil fuel production, including **coal mining, accounts for 29%** of human-made methane emissions. **Even after** coal mines are **closed, they** continue to **emit methane that migrates into** the abandoned mine from **neighbour[s]**ing, connected coal deposits. As many countries shift their energy economies away from coal, **tackling Abandoned Mine Methane** (AMM) emissions **will be** an **important** issue. This phenomenon, however, is observed not only in countries where coal production is declining and mines are closing, it is also found in those where coal production continues to play a significant role in the energy mix and closed mines are replaced by new mines. **Due to methane’s** relatively **short** 12-year atmospheric **lifetime**, compared with CO2, **taking action now to reduce emissions can** **have** a **near-term impact to slow warming.** Methane emissions from closed and closing mines can be substantial and are projected to increase. Estimates of global coal mine methane emissions indicate that AMM represented 17% of the total mine methane emissions in 2010 and forecasts indicate that the proportion may increase to as much as 24% in 2050. To put these numbers in perspective, in 2016, coal **mines in the U**nited **S**tates alone **released** 60.5 MMTCO2e of methane, which equals roughly **the warming impact [of]** caused by **13 million cars.**

New methods of assessing emissions, including use of remote sensing, measuring methane concentrations in the atmosphere, pinpointing sources, and estimating based on historical coal production, may help countries identify and inventory methane resources comprehensively. More precise estimates of the cumulative volume of emissions could draw attention to this potentially important energy source and drive policy frameworks that support investment.

#### Uniqueness about trump, olade 18

“Crackdown on coal mine ‘self-bonds’ stalls under Trump.” Published on 15/03/2018, 2:32pm. [Mark Olalde is a freelance investigative journalist and photographer who has reported on mining, energy policy and agriculture in the US, southern Africa and the Caribbean. His work digging into mine closure data earned him a McGraw Fellowship for Business Journalism and recognition as South Africa's top environmental print reporter in 2017.] <https://www.climatechangenews.com/2018/03/15/crackdown-coal-mine-self-bonds-stalls-trump/> cw//az DOA 11/07/2019

Regulators have almost wiped out risky practice since 2015-16 wave of bankruptcies, but some coal companies still insure themselves A truck hauls coal near Wright, Wyoming, in the Powder River Basin, the coal deposit expected to be the US' most enduring By Mark Olalde Obama-era efforts to stamp out the practice of US coal mining companies insuring their own clean-up costs have been widely successful, a Climate Home News investigation has found. But those wins are threatened by regulatory rollbacks under president Donald Trump. Data compiled nationally for the first time as part of CHN’s Reclaiming Coal project, shows the amount coal companies hold in these “self-bonds” has fallen 75% since mid-2016. For decades, US coal companies deemed financially healthy were allowed to provide their own guarantees that they could cover the costs of returning mined land to its natural state. This assurance was based on the value of the business, meaning it could disappear if the company went bankrupt and forfeited its permits. In 2015 and 2016, a rash of bankruptcies hit the US coal industry, claiming companies that accounted for nearly half the country’s production. Although the companies avoided forfeiting their permits and have since emerged from bankruptcy, state and federal regulators were served a major wake-up call. “Self-bonds were considered riskier after the downturn of the coal industry. A company puts up its own assets in a self-bond to cover reclamation costs. Should the company default, those assets may no longer be available to pay for reclamation leaving a possible environmental hazard,” Tarah Kesterson, the Virginia Department of Mines, Minerals and Energy’s spokesperson, said in a statement. This could leave taxpayers with the financial burden of clean-up. Trucks sit idle on the Hobet 21 mountaintop removal coal mine, one of the largest surface mines in West Virginia when it was producing (Photo: Olalde/SouthWings) At the time of the 2015-16 crash, about $3.86 billion around the industry was held in self-bonds. Over $2.4bn of this was held by companies in bankruptcy. The Office of Surface Mining Reclamation and Enforcement (OSMRE), at that time under the Obama Administration, issued an advisory warning against the use of self-bonds. Upon moving out of bankruptcy, companies including the US’ largest coal producer Peabody converted their self-bonds, mainly to guarantees backed by insurance firms. Data compiled by CHN (published here) shows the value of self-bonds nationwide that are held by the mining company has now fallen to about $214 million in four states – West Virginia, Wyoming, Virginia and Alaska. Half of these – $105m-worth – are due to be converted to other types of bonds, meaning the self-bonding threat has almost totally receded. Another $731m is in less-risky forms of self-bonds that are backed by utility companies. But some companies, including Peabody, have left the door open to self-bonding in the future, and attempts to outlaw the practice have hit a roadblock since Trump’s inauguration. Peabody CEO Glenn Kellow said in 2017: “Peabody believes it continues to qualify for self-bonding and will consider adding self-bonding to its capital structure to support its coal mine reclamation requirements in the future, should circumstances warrant.” In October, the Trump administration rolled back the Obama-era advisory on self-bonds, claiming it would “impose a significant burden on America’s coal industry”. At the time of Donald Trump’s inauguration, OSMRE had been working on regulations to change or even outlaw self-bonding, but that has stalled while the agency awaits a new director. OSMRE did not respond to requests for comment. Scott Simonton, a professor and coordinator of Marshall University’s environmental science programme, researches coal bonding systems and calls self-bonds “a weakness in the system”. Why and how we investigated the coal industry’s clean-up funds “You want bonds for catastrophic events, failures in the system, bankruptcies, somebody walking away. Self-bonding just leaves much of the control with the people who could be going anyway,” he said. “When you had three very big mining companies that were largely self-bonded go under the table, that freaked a lot of people out. I’m not going to lie,” said Travis Deti, executive director of the Wyoming Mining Association. Companies have since changed how they “look at their bottom line to ensure they have the funds to meet their obligations to the state,” he added. The National Mining Association has previously argued OSMRE lacked the jurisdiction to regulate self-bonds because the states were the ones to approve or deny the bonds.

#### Piece of potential evi, olade 18

US coal hasn’t set aside enough money to clean up its mines Mark Olalde is a freelance investigative journalist and photographer who has reported on mining, energy policy and agriculture in the US, southern Africa and the Caribbean. His work digging into mine closure data earned him a McGraw Fellowship for Business Journalism and recognition as South Africa's top environmental print reporter in 2017. Climate Home News. <https://www.climatechangenews.com/2018/03/14/us-coal-hasnt-set-aside-enough-money-clean-mines/> Published on 14/03/2018, 3:00pm cw//az DOA 10/28/19

**As the US coal industry winds down, does it have enough money set aside to clean up the vast pits, walls and broken mountains left behind?** A Climate Home News investigation has found the answer is **no. Particularly in Appalachia,** the **land, water and health** of mining communities **have been put at risk by a critically underfunded system supposed to clean up after mines close**. According to national data compiled and published for the first time on Thursday, **mining companies and state governments hold just $9.2 billion nationwide to ensure mining land is reclaimed if operators go bust**. Experts told CHN **that** amount **falls** far **short of** what is needed to rehabilitate more than **two million acres** of mining permits the system is supposed to cover. In the major coal states of Appalachia, coal production has halved in the past decade. But even as many mines slide toward closure, most **states** in the region **rely on** a system of **pooled risk that lets companies put up just a fraction of the total costs of reclaiming their mines**. “There is not enough money in the bonds to truly remediate those problems if there were some large-scale walking away from those bonds,” said Scott Simonton, coordinator of Marshall University’s environmental science programme. With the industry struggling to compete with cheap gas and renewable energy, **mass bankruptcies could leave taxpayers with the bill for clean up. Left untreated, closed mines raise a range of environmental and community health risks, from sinkholes to acid contamination of water courses**. “It is one of the bigger public failures that has gone under the radar,” said Patrick McGinley, a law professor at West Virginia University who has 40 years’ experience in the industry. **The data covers all 23 states that produce 99% of US coal and about 5,000 mining permits.\*** It was gathered from responses to dozens of records requests submitted to the state environmental and mining agencies in charge of each state’s programme. Due to greatly varying costs of reclamation from state to state and mine to mine, there is no precise way to estimate how much should be held nationally. But McGinley said the level of bonding in general was too low and in Appalachian states in particular was “preposterous, absolutely ridiculous”. The communal funds, known as ‘**bond pools’ or ‘alternative bonding systems’, have left eastern states with less money per acre –** an imperfect but useful measure of the strength of a state’s bonding system – for environmental clean-up than most western states. CHN found Appalachian states hold between $2,373 per acre (Ohio) and $4,604 per acre (Maryland). Colorado, one of the best-protected mining states, holds $10,732 for every acre, and Texas bonds are $7,655 per acre. Bond pools collect money from mining companies, and if one of them goes out of business, the pool guarantees to pay any costs that exceed other money they have set aside. But **if market conditions get tough and several companies fail at once, the funds will not cover all their liabilities.** “How does taking 50 properties like that and adding them up make them any more credit-worthy?” said Luke Danielson, a former regulator and president of the nonpartisan Sustainable Development Strategies Group. “The biggest risk that they are facing is the market risk that the coal price collapses, and then that affects all of them.” In 2015-16, companies accounting for nearly half of the coal production in the US went into some form of bankruptcy. They have since emerged from that nadir, but the massive, sudden collapse highlights the problem of sharing risk among companies that all produce the same atrophying commodity. “It just seems to be a very fragile system. That’s the problem. It’s a system that’s designed for small failures,” Simonton said. CHN spoke with regulators from all six states that currently rely on bond pools. Most pointed to the small number of recently-forfeited permits as evidence of the safety of the shared funds. Lewis Halstead, deputy director of the Division of Mining and Reclamation in West Virginia’s Department of Environmental Protection, said the bankruptcies guided where the state needed to shore up its bond pools. “There was talk of the increased risk that was perceived – more than perceived – by the [Special Reclamation Fund Advisory Council] and the [Department of Environmental Protection], and we worked through that,” he said. In part because relatively high rainfall in the east increases the risk of toxic run-off, experts such as Simonton said Appalachian mines required more money per acre to clean up than those in the drier west. In West Virginia alone, acid drainage from years of mining impairs about 2,700 miles of streams, enough to span the width of the continental US. Peter Morgan is a senior attorney at the Sierra Club who has worked extensively on mine bonding. “One thing that is particularly clear **in Appalachia** is that these **bonds are not being designed to capture the costs of water treatment,”** he said. What is coal mine bonding? The environmental cleanup of America’s coal mines is guaranteed by a system in which – similar to a security deposit on an apartment – a mining company must put up a financial assurance prior to breaking ground. That money is returned to the company upon successful reclamation and closure. If a company walks away from an operation, state regulators take that bond and use it to hire contractors to finish reclamation. The specifics of this system vary slightly among states, but the goal is always to guarantee environmental reclamation in case a company abandons its mine. West Virginia has the largest bond pools in the country, worth $150m. Members of the advisory council overseeing the state’s two shared funds told CHN the system they had in place was sufficient to cover clean-up costs. The data tells a different story. That pot, combined with all other individual reclamation bonds held for each mine, works out at less than $3,200 an acre. A 2017 actuarial report, commissioned by the advisory council and sent to CHN by the state’s regulators, estimated clean-up costs in West Virginia ranged from $7,840 per acre for surface mines to $28,460 per acre for underground mines. In West Virginia, 59% of all active and inactive mining permits were owned by a company that had been in some stage of bankruptcy in the previous two years, according to another 2017 report from the Office of Surface Mining Reclamation and Enforcement (OSMRE). “The state will face potential reclamation liability as a result of those bankruptcies well into the future,” it warned. In Virginia, the company with the largest clean-up liability – A&G Coal Corporation – would need 15 times as much money to reclaim its mines than the state’s entire fund holds (see box for more detail). CHN approached A&G for comment, but could not reach a company official, despite several attempts. Several states have recognised the problem and increased bonding in recent years. “Are we getting the job done? Absolutely,” said Courtney Skaggs, director of Kentucky’s Division of Mine Reclamation and Enforcement, who led efforts to build up that state’s bond system. But a 2017 OSMRE report found bonds forfeited when companies prematurely shut down in Kentucky in 2016 still only covered about half the future cost of reclamation. The problem of underfunded bond systems is not limited to Appalachia. In Oklahoma, the second lowest funded US state at $2,203 per acre, a 2010 review found that a sample of permits all had bonds that were between 25 and 50% underfunded. Around the country, regulators have proven lenient on the industry, experts say, leading to weaker bonding nationwide and the current problems. Why and how we investigated the coal industry’s clean-up funds “[Mining companies] have a history of influencing public decision makers and politicians through campaign contributions and a history of the good ole boy system,” said McGinley of West Virginia University. “That’s the history of the coalfields.” Danielson, who sat on Colorado’s Mined Land Reclamation Board for a decade in the 1980s and ‘90s, said putting a number on clean-up costs had never been scientific. “We were politically negotiating the bond. [The companies] would negotiate. It wasn’t really based carefully on the actual costs of closure. It was based on who could throw the most elbows and who could call up politicians,” Danielson said. \* Data on mines in a few areas – Tennessee, Washington and tribal land – which accounted for only about 1% of 2016’s coal production nationally, is held by the federal government and was not made public. Virginia A coal conveyor belt in Wise County, Virginia Virginia’s bond pool only holds about $8.8 million but guarantees reclamation for roughly 150 permits across several companies. That has increased slightly from $7.3m in 2012, which an actuarial report warned at the time was only enough to clean up one or two small mines. The company with the largest liability against the bond pool – A&G Coal Corporation – has $134m in reclamation liabilities covered by its 43 Virginia bonds, 42 of which are covered by the pool. This amount of liability is 15 times as much as the entire fund holds. According to data gathered by CHN, A&G only carries an additional $30.5m in reclamation bonds. About $25m of those are self-bonds, making it a significant risk to the reclamation fund. Indiana The Indiana Surface Coal Mine Reclamation Bond Pool Fund guarantees just more than $24m worth of companies’ reclamation liability at a dozen mine sites, according to CHN’s data. However, the pool only holds $1.25m, 5% of the cost it is meant to cover for the industry. In 2017, the Indiana Department of Natural Resources attempted to adjust fees to decrease the shortfall but had been “unsuccessful” and will work on the regulations again this year, Steve Weinzapfel, director of the department’s reclamation division, told CHN. Ohio According to a 2017 actuarial report commissioned by the Ohio’s Reclamation Forfeiture Fund Advisory Board, the $25.9m held in the fund would not be sufficient to withstand “shock loss,” a term for unexpected forfeitures. The fund is replenished by taxes on coal production and by fees, so it gradually grows over time. The report found that the fund is two years away from being able to withstand a single, average-sized mine forfeiting. It would take more than 150 years before the fund could handle the largest mining company it guarantees going under.

#### Federal Giveaways to Big Coal Leave Ranchers and Taxpayers Out in the Cold, Banerjee & McClure 17

“How **Federal Giveaways to Big Coal Leave Ranchers and Taxpayers Out in the Cold**.” Neela Banerjee, Robert McClure DEC 29, 2017. Inside Climate News.[ A Pulitzer Prize-winning, non-profit, non-partisan news organization dedicated to covering climate change, energy and the environment.] Cw//az DOA 10/27/19

Fossil fuel extraction tears up the land, even when there are no spills or accidents. Forests and prairie get peeled away for mines, well pads, roads and more. **Once corporations are finished, they are supposed to restore what they disrupted** to a semblance of its previous state. **And** **they are required to post bonds with state and federal authorities, as a form of insurance to pay for restoration—even if they go bankrupt.** The country's **largest coal companies** often **use** the option of **self-bonding**, which allows them to **operate** **without** posting any actual cash or **collateral**, essentially offering their promise that they will pay fully to restore an area once the mine has closed. Self-bonding **rests on the assumption that the corporations are too big and stable to go bankrupt**. Yet by 2016**, $2.4 billion of the $3.86 billion in outstanding self-bonding obligations nationwide were held by companies that had filed for bankruptcy** in recent years, including Alpha Natural Resources, Arch Coal and Peabody. Critics are concerned that **taxpayers could be on the hook for reclaiming their old mines if coal sales continue to decline.** Supersized Salaries for Coal CEOs Wyoming state regulators proposed rules last month that will tighten self-bonding requirements. Companies will be able to self-bond only up to 70 percent of cleanup costs. Whether they're allowed to self-bond will be based on current credit ratings, rather than older audited financial statements. The rules will no longer allow self-bonding by subsidiary companies, instead forcing the parent mining company to pledge its assets. Sally Jewell Under Jewell, the Interior Department also moved to shore up reclamation, beginning a review of self-bonding to see if it adequately protected taxpayers. Several federal agencies under Obama, including the Justice Department, successfully argued in federal court in 2016 that Alpha Natural Resources should be required to replace self-bonding with outside insurance before exiting bankruptcy. Now, **the Trump Interior Department plans to loosen reclamation insurance standards by permitting routine use of self-bonding once more.** Charlene Murdock, a spokeswoman for Peabody, owner of the North Antelope Rochelle mine near the Turner Ranch, said in an email that the mine "maintains a strong record of environmental stewardship, and our monitoring shows standards to protect air and water quality are being achieved. Peabody works in partnership with neighboring landowners who successfully graze their livestock on the ample forage of reclaimed mine lands." She added: "In 2016, Peabody's successful land stewardship achieved 1.8 acres of reclamation for every acre disturbed in mining activities. Over the past decade, Peabody has spent $185 million to restore approximately 48,000 acres of land." **Even when coal companies reclaim the land** they've stripped away, **it's unclear whether** the **water will return to ranchers** such as the Turners who watched it dry up. "**We don't know yet as there has not been a surface mine that has achieved full and final reclamation, including hydrologic reclamation**, in Wyoming," said Jeremy Nichols, climate and energy program director at Wild Earth Guardians, an environmental law nonprofit. "**We question whether full hydrologic reclamation can be accomplished in the arid Powder River Basin. The coal companies obviously claim they can. We haven't seen anything empirical that suggests this is the case."**

#### Coal extraction poisons the water and , Boyles et al 17

Meta-analysis, done by the govt, peer-reviewed, The methodologies used in these studies included field sampling and analytical chemistry, as well as modeling, regression, and prediction methods (e.g., generalized additive models, principal component ana- lysis, satellite data, landscape-based cumulative effects models). Boyles AL, Blain RB, Rochester JR, Avanasi R, Goldhaber SB, McComb S, Holmgren SD, Masten SA, Thayer KA. (2017) Systematic review of community health impacts of mountaintop removal mining. Environ Int. National Toxicology Program of the US Department of Health and Human Services 107: 163-172. <https://ntp.niehs.nih.gov/whatwestudy/assessments/noncancer/completed/mining/index.html> cw//az

**Particulate** matter (PM) was measured in residential areas near surface mining sites in West Virginia and compared to nearby sites with no mining-related activity as well as “internal controls” with non-MTR mining (Kurth et al., 2015; Kurth et al., 2014). Coal mining activities at these sites included related activities, such as rail and truck transpor- tation, underground mines, and coal processing facilities. To estimate potential human exposure to PM, respiratory deposition was calculated as well (Kurth et al., 2014). The authors found that particle number **concentrations and model-predicted deposited lung dose were sig- nificantly greater around mining areas** compared with the non-mining area and variations in PM size related to the time of year (e.g., PM10 peaked during June and July, but PM2.5 mass concentration peaked only during July) (Kurth et al., 2014). The presence of **trace metals was also determined**. During a period of active mining (June 2011), there was pronounced enrichment in crustal-derived elements at the MTR- mining sites (some at more than ten times the concentration of the external control sites) that was not present during a period of MTR mining inactivity (August 2011) (Kurth et al., 2015). **Alkylated com- pounds of low molecular weight, including low-molecular-weight PAHs, consistent with coal dust were also found at MTR-mining sites** (Kurth et al., 2015).

In another study (Aneja et al., 2012), PM10 air testing of residential sites near areas of mining activity in Virginia found ten of twelve samples from one location and half the samples from another location exceeded the PM10 EPA standard of 150 μg/m3, but this study did not compare MTR-mining sites with control sites or baseline data (Aneja et al., 2012). Compared to the U.S. national ambient air quality stan- dard, Aneja et al. (2017) reported higher 24-hour average PM10 con- centrations near coal mines and close to a mining haul road. Another study found that **miners could potentially be exposed to dust/quartz levels above acceptable permissible exposure limits** (PELs**): drilling job area dust concentrations were above the 2 mg/m3 limit and over 3⁄4 of samples from highwall drill operators exceeded the 0.1 mg/m3 quartz exposure limit (Piacitelli et al., 1990). Fugitive dust emissions at a contour surface coal mine in southern West Virginia were higher for several varied mining activities compared with a similar study in the western United States** (Ettinger and McClure, 1983).

3.4.2. Impact on drinking water

Sulfide and sulfate in tap water and **hydrogen sulfide gas** (H2S) in indoor air were measured inside residences in three communities near mining activity in West Virginia (Simonton, 2014). An odor consistent with H2S was observed when running the tap or shower in several homes and H2S measurements in these homes **exceeded health safety standards**. The author concluded that **sulfide-contaminated drinking water from aquifers in MTR-mining communities is released into indoor air as H2S during domestic water use** (Simonton, 2014).

Other aspects of water quality have been considered in these com- munities. Hendryx et al. (2012a) found **significantly more drinking water violations at water treatment facilities near MTR-mining activ- ities** (73.0 violations/system) than near non-surface coal mining ac- tivities (16.7 violations/system) and control areas (10.2 violations/ system). The contamination violation types included: **organic com- pounds, coliform, disinfection by-products, inorganic elements/com- pounds, radium, lead, and copper** (Hendryx et al., 2012a). A quarterly monitoring program for domestic wells located near active mining operations found differences in iron and total suspended solids con- centrations during a three-week period during blasting events (OSMRE, 2002). Some studies evaluated ground water quality around surface mining operations and found the water chemistry to be unfit for human consumption, but wells or municipal water supplies were not tested (Bonta et al., 1992; Corbett, 1977; Hamon et al., 1979; O'Bara and Don Estes, 1985).

Numerous other studies were identified that are not directly re- levant to understanding human health impacts of MTR mining, but provide broader insights into the impact of MTR mining on the en- vironment (see Supplemental Reference Lists). These include impacts of mining on the land, water, and stream fauna. These effects may in- directly impact human health through exposure to chemicals in streams and ground water or through consumption of stream biota and con- taminated fish.

These studies focused on the watersheds, streams, and landscapes near mining operations in the Appalachian region. Studies were cate- gorized into impacts of coal mining on:  Land use and geomorphic changes;  Wetlands and hydrologic changes;  Water chemistry and quality; and  Abundance and diversity of benthic macroinvertebrates, and mi- crobial, avian, fish, and insect species in streams associated with such mining activities. The methodologies used in these studies included field sampling and analytical chemistry, as well as modeling, regression, and prediction methods (e.g., generalized additive models, principal component ana- lysis, satellite data, landscape-based cumulative effects models). References identified are listed by two categories in the Supplemental Reference Lists: impact on water chemistry/quality and impact on the aquatic ecosystem.

3.4.3. Impact on water chemistry/quality Most studies found significant impact on the water quality and chemistry of streams that were disturbed by MTR-mining operations, including changes in pH, specific conductance, concentration of metals, trace elements, turbidity, isotopes, dissolved inorganic carbon, organic carbon, dissolved solids, suspended solids, sediments, hardness, PAHs, etc. If the chemical constituents are above the recommended or reg- ulatory exposure levels, consumption of such poor-quality water could be potentially harmful for humans. However, none of these studies extrapolated results to specifically predict or estimate the impacts on human health resulting from this water consumption.

3.4.4. Impact on the aquatic ecosystem Abundance and diversity of aquatic species and stream biota were examined in many studies, including macroinvertebrates, avian, mi- crobial, fish, insect, and amphibian communities and populations. These studies found significant impacts due to MTR operations in the mining areas compared to undisturbed areas. Many of these studies concluded that the impacts of MTR mining on the aquatic ecosystem could directly impact recreational fishing and indirectly negatively in- fluence a general sense of well-being in local residents (McGarvey and Johnston, 2013; Zullig and Hendryx, 2010). Studies of MTR mining impacts on the air, water, and surrounding ecosystem point to what impacts might be expected based on estab- lished health effects of components of these exposures. PM2.5, PM10 and other air pollutants contribute to adverse cardiopulmonary health and premature death (EPA, 2009). Hydrogen sulfide is a respiratory irritant at low levels and may cause long-term central nervous system effects in some people, including headaches and poor neurological function (ATSDR, 2014). Future research in human populations should include appropriate measures of exposures to these chemical mixtures and focus on cardiopulmonary or neurological endpoints, particularly indicators of acute exposure that may contribute to chronic disease.

#### Coal’s on the decline Economist 17

Subsidising coal production is a really bad idea Print edition | United States Dec 14th 2017 | WELCH AND WILLIAMSON, WEST VIRGINIA https://www.economist.com/united-states/2017/12/14/subsidising-coal-production-is-a-really-bad-idea cw//az DOA 10/27/19

That has won him fans in coal country. Bill Raney, who heads the West Virginia Coal Association, says that Mr Trump “brought an appreciation for what these folks in Appalachia do…He just gave a renewed vigour and enthusiasm and confidence in coal,” which was especially welcome after what Mr Raney calls the “eight miserable years” under Barack Obama’s administration, which “did everything they could to discourage” coal use. The president’s tenure in office has coincided with increased coal production. In the first six months of 2017, America produced **16%** more coal than it did in the same period last year, for which many in the industry, rightly or wrongly, credit Mr Trump.

But **that is a small uptick** set **against a steady decline**, which has been caused primarily not by environmental regulations, as Mr Trump and many in the coal industry claim, but by market forces. More people work as fitness trainers, actors or florists than in the coal business. The Bureau of Labour Statistics estimates that coalmining employed 51,200 people as of November 2017—an improvement, year-on-year, of more than 1,500, but still well below the recent peak of 89,700 in 2012.

Nationally, **coalmining** employment **peaked in 1920,** when there were around 785,000 miners. The marked decline in employment **partly** stems **from automation**. According to Devashree Saha and Sifan Liu of the Brookings Institute, a think-tank, in 1980 American mines produced 1.93 tons per miner-hour; by 2015 they produced just under 6.3. Automation did to coal mining what it did to manufacturing: made it more dramatically productive even as it reduced the amount of human labour required. **This** trend **will** probably **intensify** in the near future, as machines grow increasingly autonomous.

The dip in jobs also reflects a westward shift in America’s coal heartland. To the average American, the word “coalminer” summons an image of a weather-beaten man in Appalachia with a pickaxe in one hand and a hard hat with a lamp on it walking stoically into a mountain fissure. That image has not been accurate for decades. **Most** American coal **comes not from W**est **Vi**rginia **or Kentucky**, where production has been falling since 1990, **but** from immense surface mines in **Wyoming**’s Powder River Basin. Coal there is far cheaper to mine, partly because it requires much less labour, than **in Appalachia**, where **the easiest seams** have long been **tapped o**ut, and what remains is deep inside mountains and hard to reach.

Most American mined coal goes to generate domestic energy, but a disproportionate share of coal companies’ revenue comes from exporting metallurgical coal, used in steel manufacture. At the peak of Chinese coal demand earlier this decade, prices for exported “met” coal were often triple those of other types. Coal firms bet that demand would continue, and that Asian markets would also want ordinary steam coal. But as **China’s** economy began to rebalance away from massive infrastructure building and towards consumption, **demand flattened, then fell.** If China’s appetite remains depressed, along with global and domestic demand, so will coal revenue and employment.

The real threat to coal, though, is gas, which fracking has made cheap and abundant. Coal remains America’s second-most widely used energy source, generating 30% of American electricity in 2016, more than nuclear (20%) or renewable sources (15%). Natural gas, however, generated 34%, a share that has risen as coal’s has fallen—by close to a third from 2011 to 2016. **Renewable** energy **is** also getting **cheaper and more widespread.** Since 2010 the **share** of domestic energy generated by renewables has **grown** by nearly **50%.**

1. Janet Redman et al 13 ~Janet Redman "Dirty Energy Dominance: Dependent on Denial," No Publication, http://priceofoil.org/content/uploads/2017/10/OCI'US-Fossil-Fuel-Subs-2015-16'Final'Oct2017.pdf, cw//az accessed 11-4-2019

In defining subsidies, this report relies primarily on an internationally agreed definition established by the World Trade Organization (WTO) in its Agreement on Subsidies and Countervailing Measures, which considers subsidies to include any financial contribution by a government,

or agent of a government, that is recipient- specific and confers a benefit on its recipients in comparison to other market participants.99

This includes direct transfer of funds (such as grants and concessional loans); potential transfers of funds or liabilities (such as loan guarantees or government assuming reclamation and cleanup liability); government revenue that is otherwise due is foregone or not collected (such as targeted tax credits), as well as government provision of goods or services, and an income or price support. This definition of subsidies has been accepted by the U.S. government as well as the other 163 members of the WTO, and this analysis uses this definition as a basis for identifying U.S. subsidies for the production of coal, oil, and gas. [↑](#footnote-ref-1)
2. https://www.myaccountingcourse.com/accounting-dictionary/corporation [↑](#footnote-ref-2)
3. STANFORD PHILOSOPHY <http://www.stanford.edu/~bobonicha/dictionary/dictionary.html> Abbreviated Dictionary of Philosophical Terminology An introduction to philosophy Stanford University [↑](#footnote-ref-3)