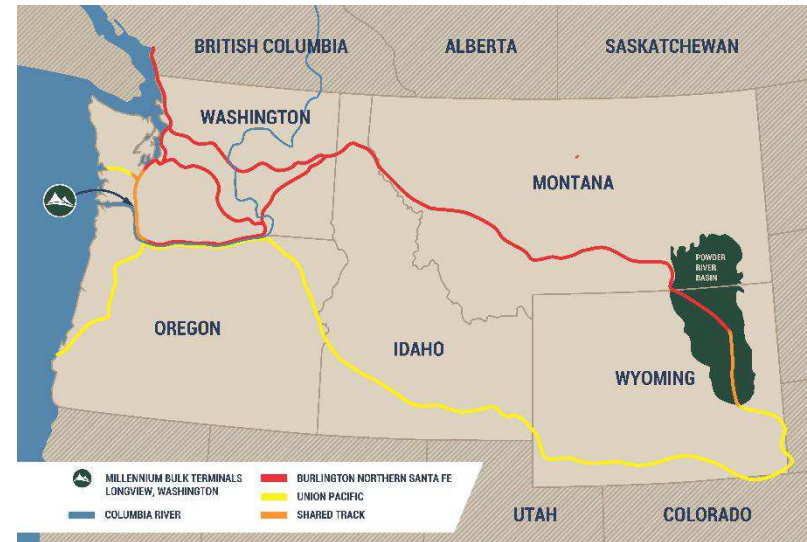


**Millennium Bulk Terminals – Longview** Washington state officials have steadfastly refused to authorize permits for the construction of facilities to export low-sulphur coal because of their ideological opposition to coal. Of six Pacific Northwest facilities proposed by the industry in the last decade, MBT-L is the only one still being pursued and amounts to only 0.44% of the world’s coal supply. Obviously, reasonable mitigation of significant impacts are appropriate which the company is willing to meet, as well as the environmental clean-up of an old aluminum smelter. So far those demands have included a three-year delay in removing contaminated soils in the Columbia River during a futile search of dredge spoils for Native American artifacts; three-year “consultation” for historic preservation mitigations, currently suspended; refusal by state to approve a sub-lease transfer to proponent, termed “arbitrary and capricious” by superior court judge; cherry-picked findings to grossly exaggerate impacts design to scare the public; emissions standards for coal trains exceeding those for passenger trains in Seattle; and rewriting of impact statements without justification contrary to findings of expert consultants. “Death by a thousand cuts” is an apt metaphor. As the map on the right clearly shows, the state is unilaterally attempting to restrict interstate commerce. 6 years & \$15 million in permit fees from the proponents!

## Washington State interferes with Interstate Commerce and Foreign Trade



**Northwest Innovation Works – Kalamia** Methanol production is used for a wide variety of household products ranging from polyester fibers, food moisturizers, antifreeze and brake fluids, resins and paints, pharmaceuticals and plastics – all in high demand for growing world economies. In China, methanol is produced from high-sulphur coal which contributes to their air pollution problems. A government-owned company there is willing to build a \$2 billion conversion facility here in the Pacific Northwest using much cleaner natural gas available from a major pipeline (see map on the left). Three years ago Washington’s governor Jay Inslee signed an agreement heralding the latest technology pioneered by this company that would be dramatically below state pollution limits. Local and regional permitting agencies agreed but just this month the governor’s own review panel rejected the proponent’s greenhouse gas analysis that followed the state’s earlier “guidance” on the subject -- in essence, changing the rules in the middle of the game. “Death by a thousand cuts” is again an apt metaphor. Once again, Washington state is taking unilateral action to regulate foreign trade, contrary to the US Constitution. One year delay.

## Possible Solutions?

### Administrative Relief:

Important agencies have the authority and responsibility to oversee the regulation of interstate commerce and foreign trade: Department of Commerce (railroads, fisheries & pipelines); Department of Interior (mines, Indian reservations), Department of Defense (US Army Corps of Engineers: navigable waters), Department of Energy, US Trade Representative, and the Environmental Protection Agency.

**Please Request** agency heads to coordinate a review of Washington state delaying tactics to determine overriding national interests in favor of trade.

### Judicial Action:

When the States of Wyoming and Montana decide to sue Washington over unconstitutional restraint of commerce, the Justice Department should file an *amicus* brief to join in the lawsuit before the only court with jurisdiction over such cases: US Supreme Court.

**Please Request** intervention by the Attorney General.

For More Information, contact Cowlitz County Commissioners,

c/o Dennis Weber, 360-577-3020 (office) or [weberd@co.cowlitz.wa.us](mailto:weberd@co.cowlitz.wa.us)

## What Gives Washington State Powers Over Foreign Trade & Interstate Commerce?



### Not the U.S. Constitution's *Commerce Clause*:

**Article 1, Section 8, Clause 3** of the U.S. Constitution gives Congress the power “to regulate *commerce* with foreign nations, and among the several states, and with the Indian tribes.”

And yet the powerful special interests controlling Washington state politics have determined to substitute their ideological judgement for federal authority.

Any quick reading of constitutional history affirms that such state power-grabs after the American Revolution were overriding forces that led to the Constitutional Convention.

Fear of maritime giants like Pennsylvania and New York forced smaller states like Delaware, New Hampshire, and New Jersey to champion the new Constitution's Commerce Clause.

**Is Your State's Prosperity  
Threatened by Washington State?**