

Testimony of Mary Varson Cromer
Before the Committee on Oversight and Reform
and Subcommittee on the Environment
“Fueling the Climate Crisis: Examining Big Oil’s Prices, Profits, and Pledges”
September 15, 2022

Thank you Chairpersons Maloney and Khanna, Ranking Members Comer and Herrell, and all of the members for this opportunity to testify about the impacts of the recent flooding in Eastern Kentucky. My name is Mary Varson Cromer

I am Deputy Director of Appalachian Citizens’ Law Center, a small non-profit law and policy organization in Whitesburg, Kentucky. I have led ACLC’s Environmental Justice Program for 15 years.

I have been invited to testify today about the floods that devastated Eastern Kentucky at the end of July. For five days in late July rain fell hard and fast. The heaviest rain occurred in the early morning hours of July 27, but despite flash flood warnings, many people in the area say that the first indication they had of danger was waking up to the sound of rushing water.

It is important to understand that in our part of Appalachia, there are no broad valleys. The land is a plateau deeply furrowed by creeks and rivers. The only flat land for development is along those creeks and rivers. Our communities, our towns, are built in those floodplains.

That is why this flood was so devastating and so deadly. 39 people died. Some areas, like Troublesome Creek in Knott and Perry Counties, were particularly hard hit. There, miles of houses along the creek were simply swept away. Search and rescue efforts continued for more than a week. In the end, 20 of the 39 who died lived along Troublesome Creek.

Whitesburg is a river town that was badly impacted by the flood. According to recent FEMA data, 588 houses in our town of about 2000 people have been inspected and determined to need what are referred to as “habitability repairs.” I have been in some of those homes. Habitability repairs require days of hard work mucking, tearing out walls, drying, and spraying for mold. While many charitable disaster relief organizations have been helping with this work, there is still so much need. There are still many in Eastern Kentucky, especially those who are elderly and disabled, who have not yet made these repairs. And because it is a race against the clock to do that work before the mold is out of control, many more houses will have to be torn down.

Nearly 44% of the households applying for FEMA aid in Whitesburg have incomes below \$30,000, while nearly 72% of applicants are homeowners. Less than 5% had flood insurance. From that data we can discern that if you’re poor in Whitesburg, you may be lucky enough to be a homeowner, but your house was much more likely to have been damaged or destroyed by this flood, and you are not likely to be insured against that catastrophe. For those who already have so little, losing a house is not just about losing what wealth one has accumulated. That loss will cause further instabilities that will ripple out through their lives, through future generations, and through our community.

Even those in our communities who don't associate this flood with climate change know that floods like this will happen again. Everyone knows the dangers of living near our creeks and rivers. "We just have to get these people out of the floodplain" is the refrain we hear again and again. But, no one seems to know how to do that. The resources needed to make that move - the money, the land - are beyond the reach of the majority of those who were impacted.

We know that this event was made much more likely because of climate change. All projections show a warmer and wetter climate in Kentucky with more frequent and severe rain events and increased stream flows. As Bill Haneberg, the State Geologist of Kentucky said on August 2, "It may be impossible to say that last week's events occurred solely because of climate change, but they are consistent with our expectations. It is likely that in the coming weeks and months it will be possible to confidently say how much climate change increased their likelihood."

We also know that a century of intensive coal mining in our area makes the impacts of these rain events much worse in some places. Mountaintop removal's impacts are particularly pronounced. With this form of radical strip mining, after the mountaintop is removed and the overburden is placed in valley fills, the cheapest and fastest way to stabilize and reclaim the land is to compact the soil and plant grass. Where you once had diverse forested hillsides with the capacity to soak up rainfall, you now have heavily compacted land. It's like pouring water on a tabletop.

And not all of our mountaintop removal sites have been reclaimed. As the coal market fluctuates, coal companies skirt regulatory reclamation requirements. In Breathitt County, 59 residents have sued a coal company alleging that the company's failures to abide by mining regulations severely exacerbated the flooding there. Specifically, they allege that the company failed to reclaim its mountaintop removal site as it was mining, leaving large areas of eroding blasted and disturbed land. They also allege that the company failed to follow regulations regarding the control of stormwater, causing several ponds to fail, sending excessive water and debris down the mountain to the community below. These mining practices created what the complaint refers to as a "ticking time bomb ready to explode with any type of heavy rainfall."

Our area of Central Appalachia has been at the frontlines of the environmental devastation caused by coal mining for decades. We now find ourselves at the frontline of flooding disasters caused by climate change. We have so much rebuilding to do. Somehow, we must find a way to build back with resilience against future floods because we know that flooding like this will continue to happen.

Thank you for this opportunity to testify on behalf of my community.

A handwritten signature in black ink that reads "Mary Varson Cronley". The signature is written in a cursive, flowing style.