

The John Birch Society

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Nullify the EPA in West Virginia With SB 271



Legislation has been introduced in the West Virginia Legislature to nullify the unconstitutional Environmental Protection Agency (EPA). ***It is imperative that legislators enact this bill and protect state sovereignty and individual freedom from federal overreach.***

Senate Bill 271 ([SB 271](#)), titled the “Natural Resources Anti-Commandeering Act,” is sponsored by Senator

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Patrick Martin (R-Weston) and three other senators. If enacted, it would [prohibit](#) state and local officials from “knowingly and willingly participat[ing] in any way in the enforcement of any federal act, law, order, rule, or regulation relating to coal, oil, gas, timber, or other extractive resources, or downstream industries related to such extractive resources, if the act, law, order, rule, or regulation does not exist under the laws of this state.” The bill would also prevent the use of state or local funds to enforce such regulations.

If enacted, SB 271 would be major steps toward [nullifying unconstitutional federal actions](#) and [preventing Americans’ liberties from being infringed](#). The bill is firmly grounded in the text of the U.S. Constitution. In particular, [Article VI](#) states, “[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land.” Additionally, the [10th Amendment](#) makes clear that all powers not granted by the Constitution to the federal government are reserved to the states and to the people.

Accordingly, any federal action — or agency — that violates or contradicts the Constitution cannot be “made in Pursuance thereof” and, thus, is not “the supreme Law of the Land.” Unfortunately, in the last several decades, thousands of unconstitutional laws on the federal, state, and even local levels have been created and enforced.

SB 271 follows and enforces both of these important constitutional provisions (Article VI and the 10th Amendment) by nullifying unconstitutional federal actions and by restoring state sovereignty. Additionally, exercising these powers is more important now than ever, considering the extent to which the federal government has overreached. If our leaders adhered consistently to the Constitution, more than 80 percent of the federal government would be declared unconstitutional.

[Urge your state delegate and senator to nullify the unconstitutional EPA with SB 271 and to push back against all other unconstitutional laws at every level of government.](#)