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WINTER CONVENTION

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2019

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WHITE SULPHUR SPRINGS, W.VA.  
DECEMBER 6-7, 2019



WEST VIRGINIA  
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# Bob Fehrenbacher

WVMA Board Chairman



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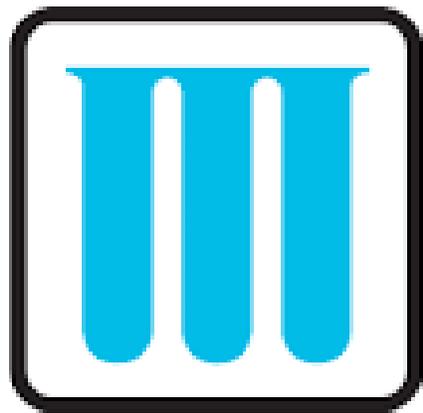




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*In Memoriam*

Patty Barnhart  
1959-2019

WVMA WINTER CONVENTION 2019



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# Ted Abernathy

Economic Leadership LLC

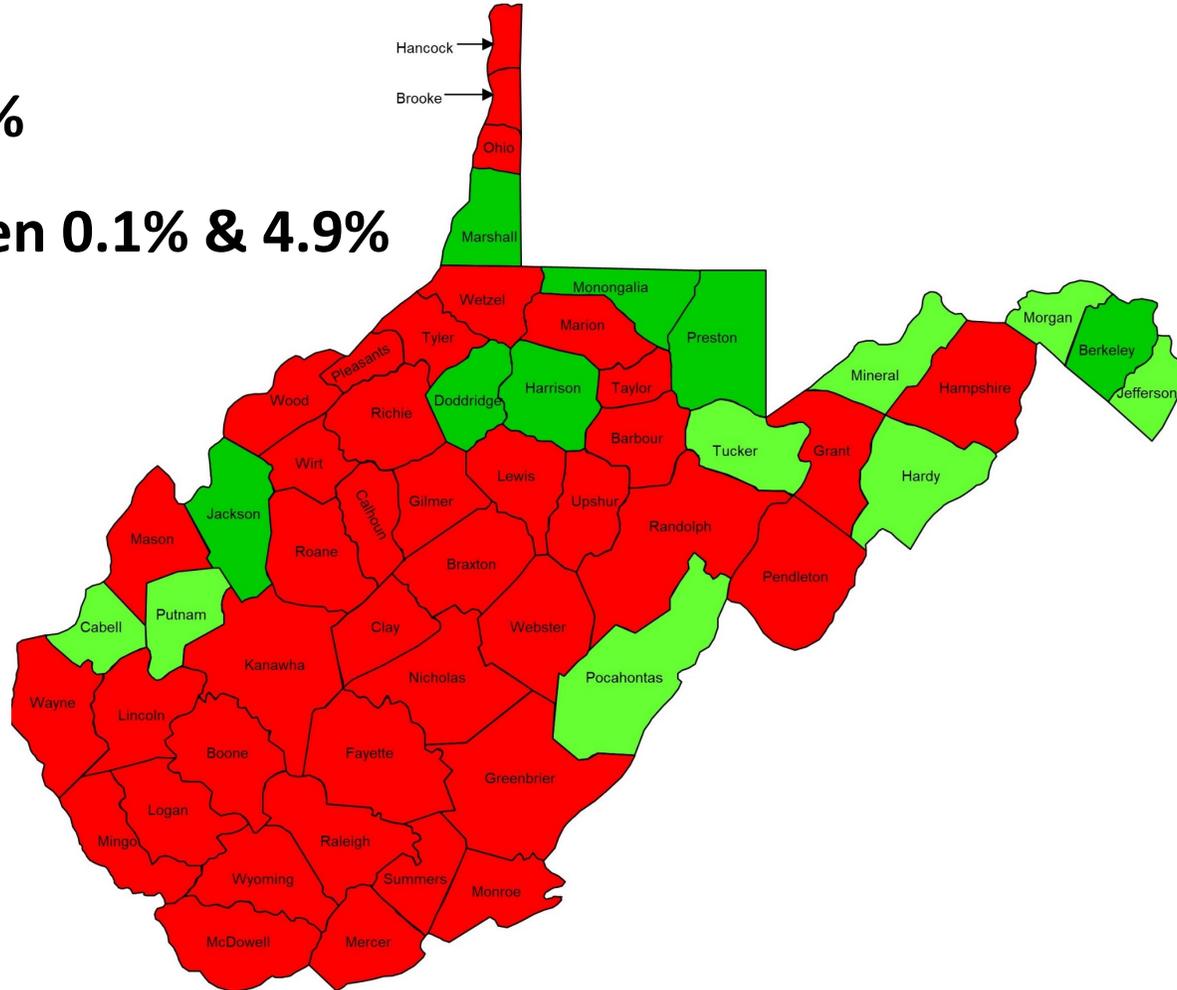
# Measuring & Improving West Virginia Manufacturing Competitiveness



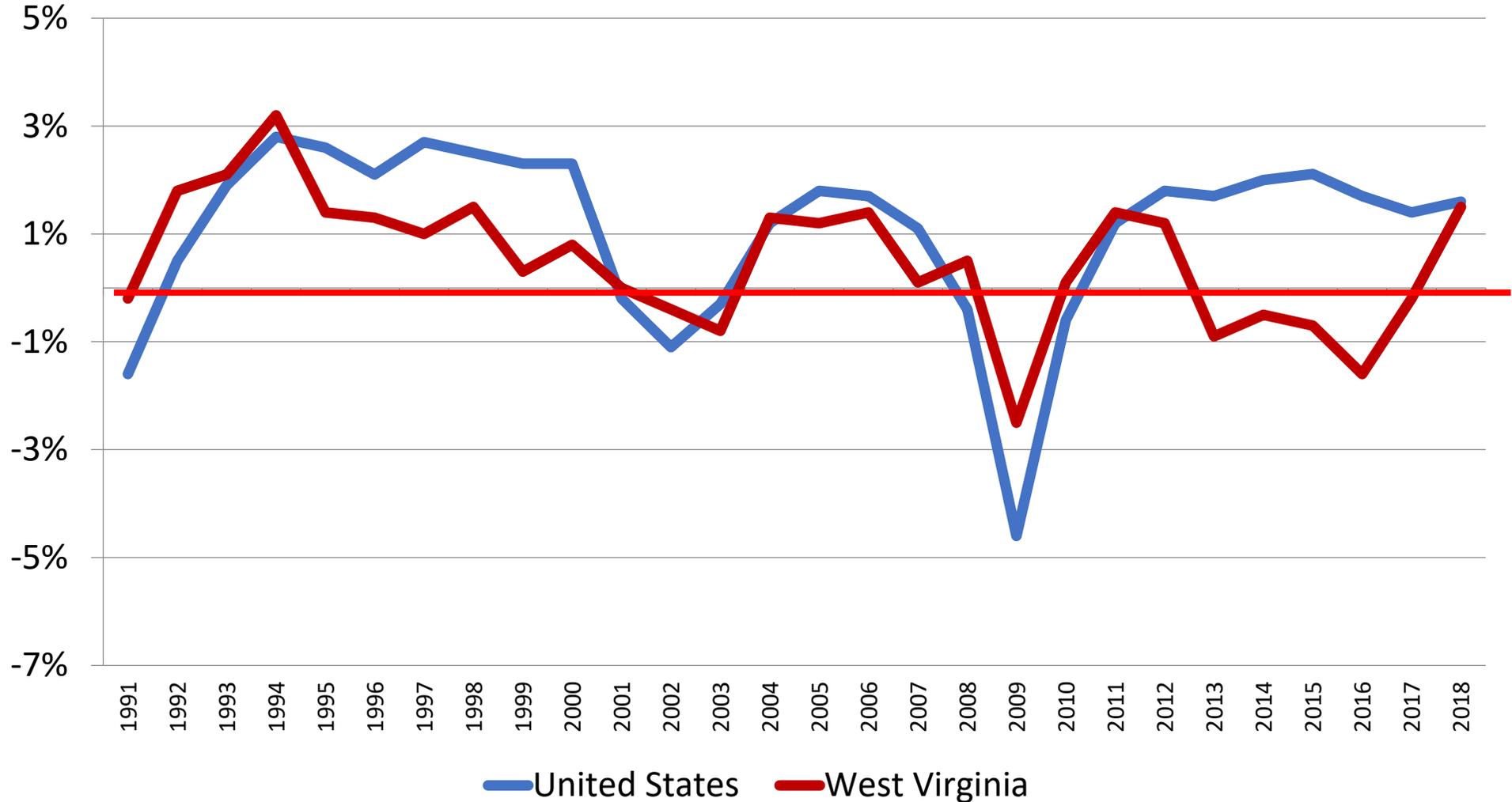
# 5 Year Job Growth 2013-2018

## West Virginia Average -3.8%

-  Growth over 5%
-  Growth between 0.1% & 4.9%
-  Losing jobs



# West Virginia Annual % Jobs Change 1990-2018

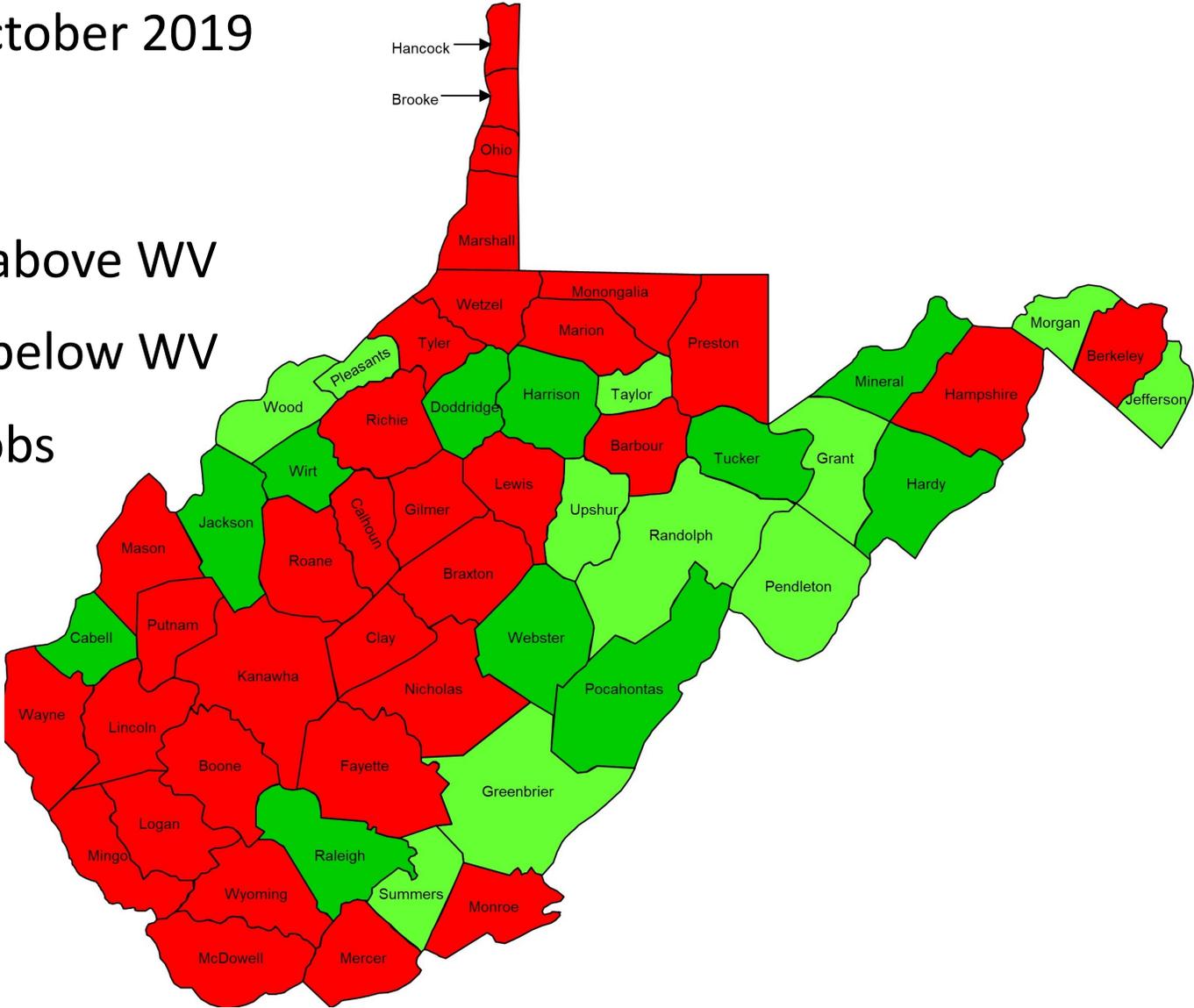


# Total Non-Farm Employment Growth Last 12 months

October 2018 – October 2019

WV average 0.4%

-  Growth above WV
-  Growth below WV
-  Losing Jobs





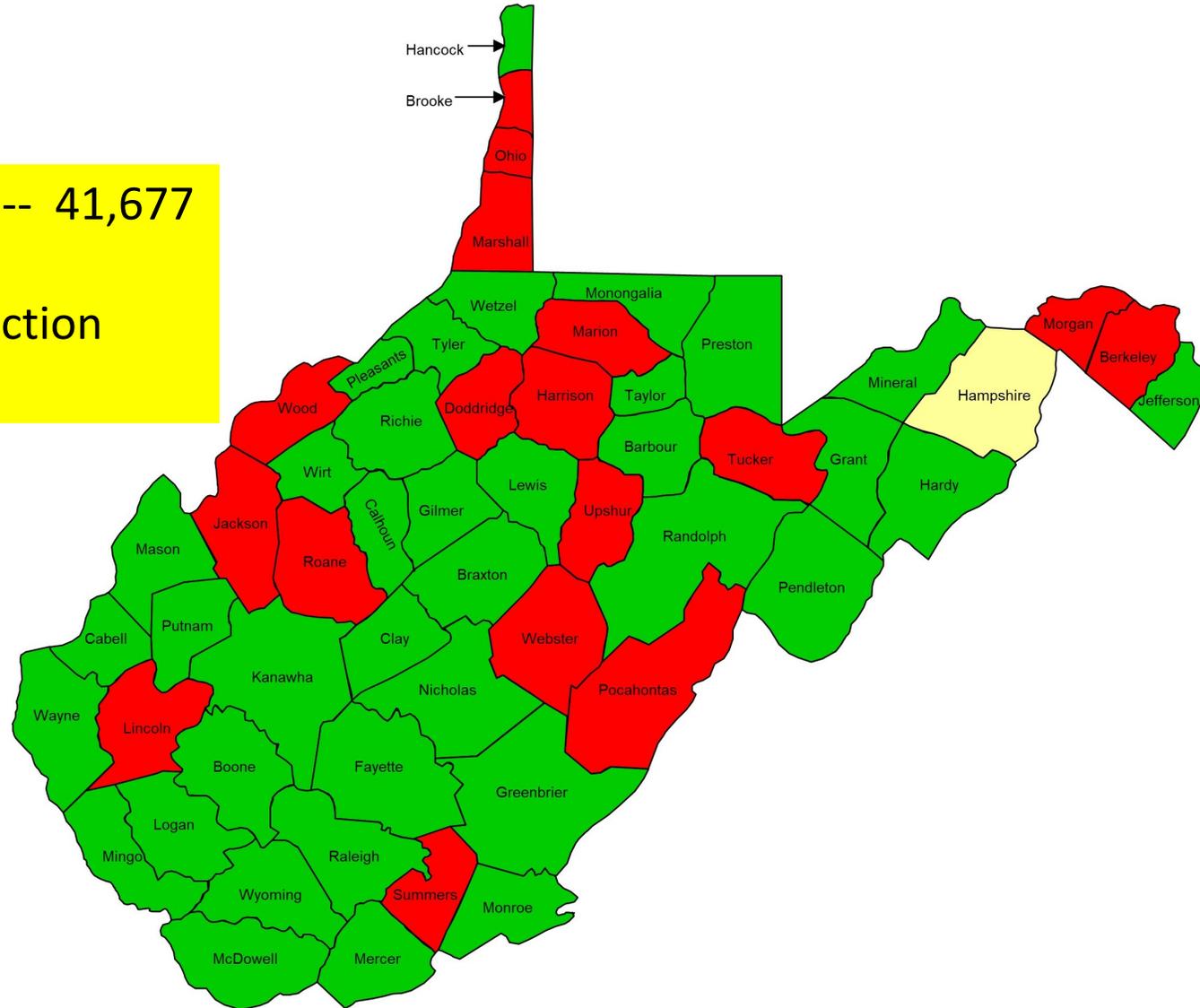
# Construction Job Growth

2018 – 2019

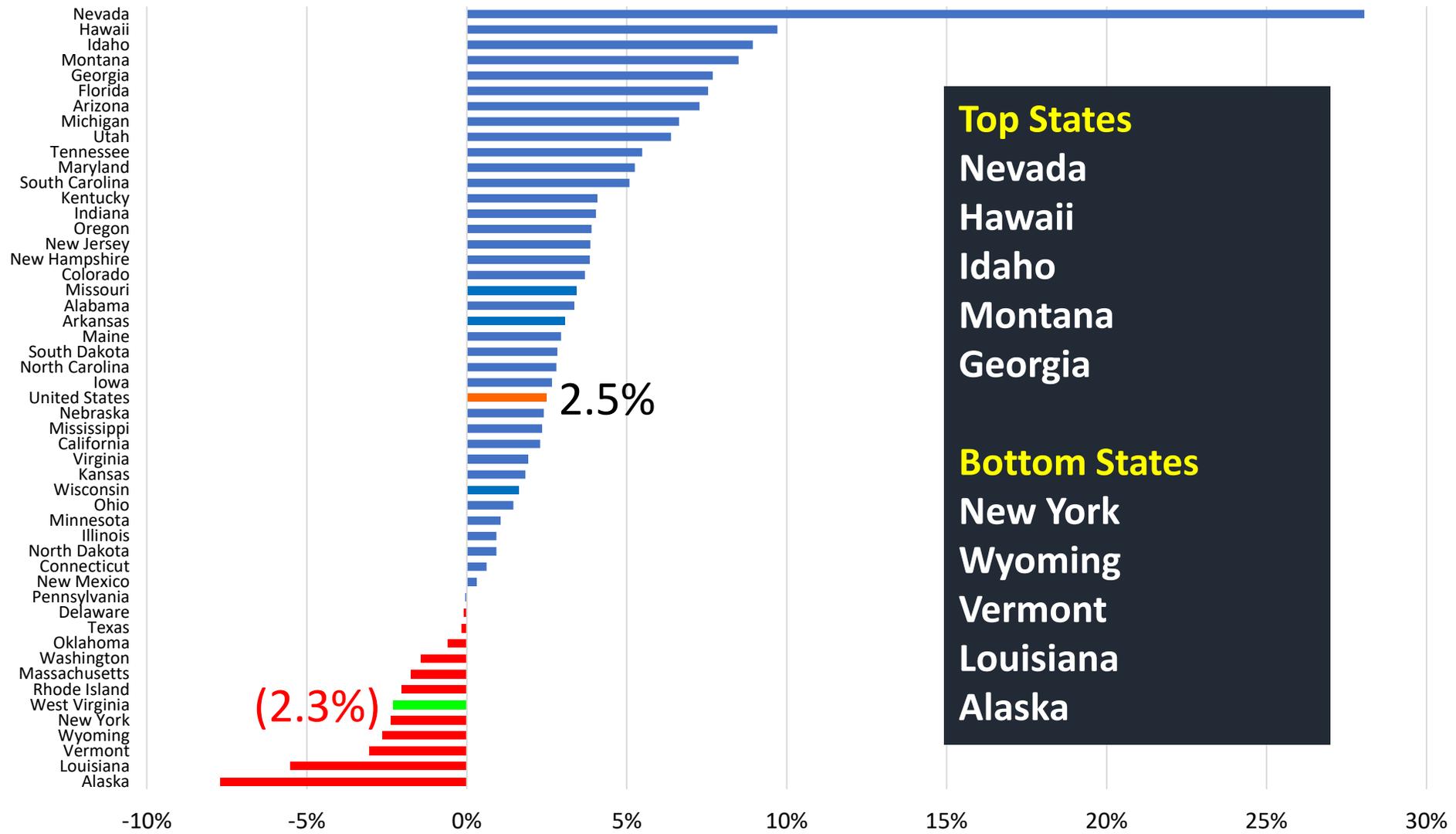
WV growth 1.7%

WV Construction Jobs -- 41,677

Net Change in Construction Jobs +710



# % Change in Manufacturing Jobs 2015-2018 by State



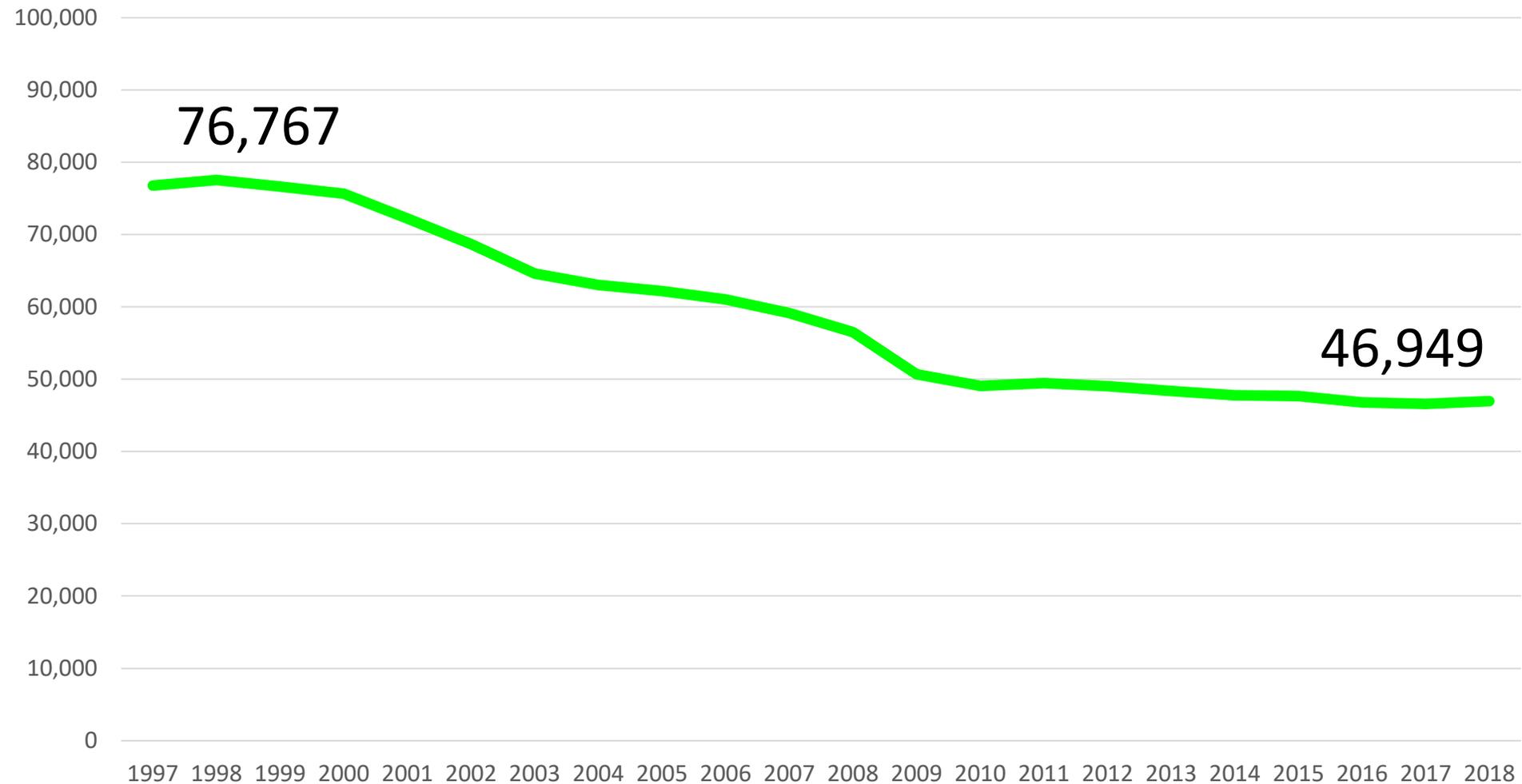
## Top States

- Nevada
- Hawaii
- Idaho
- Montana
- Georgia

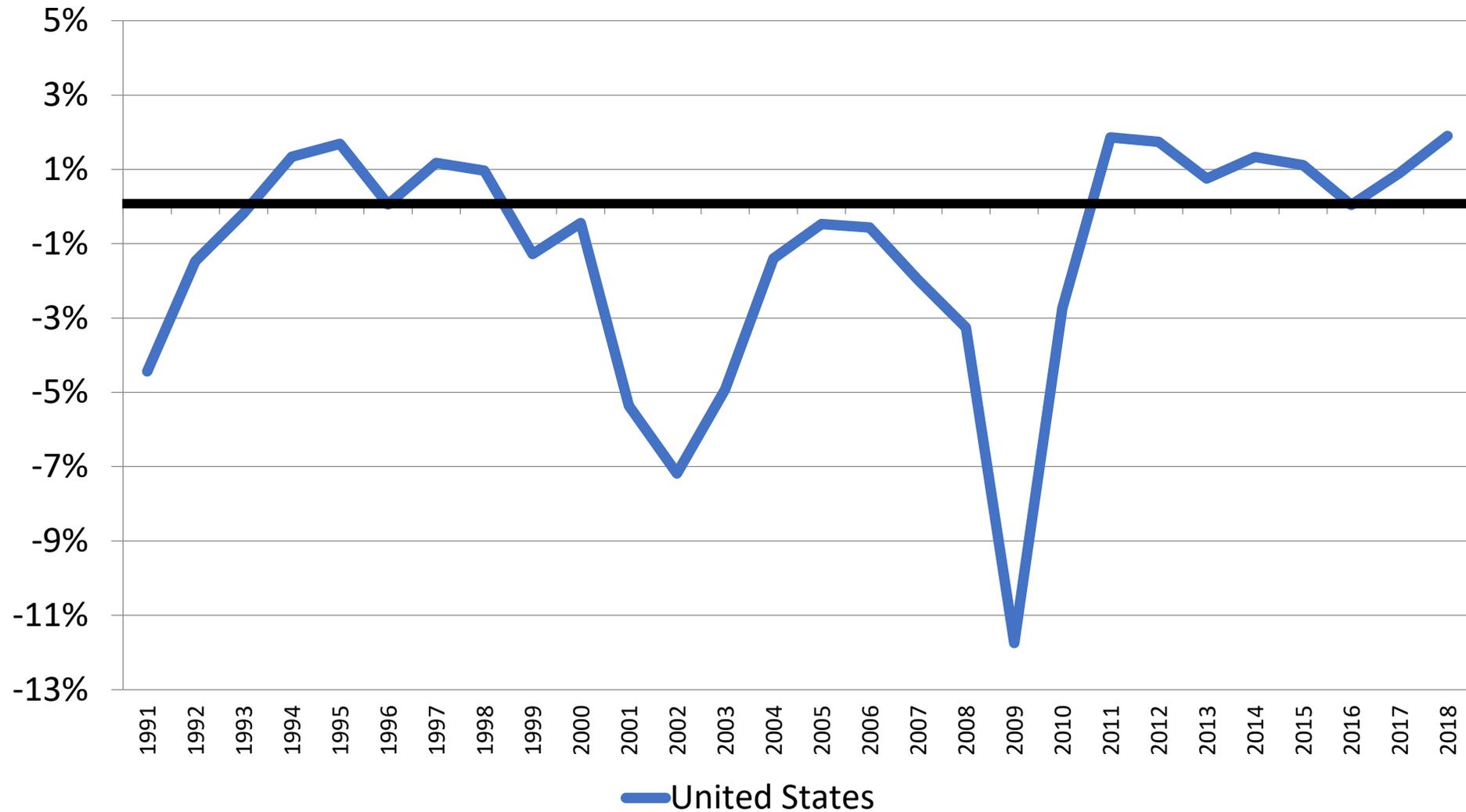
## Bottom States

- New York
- Wyoming
- Vermont
- Louisiana
- Alaska

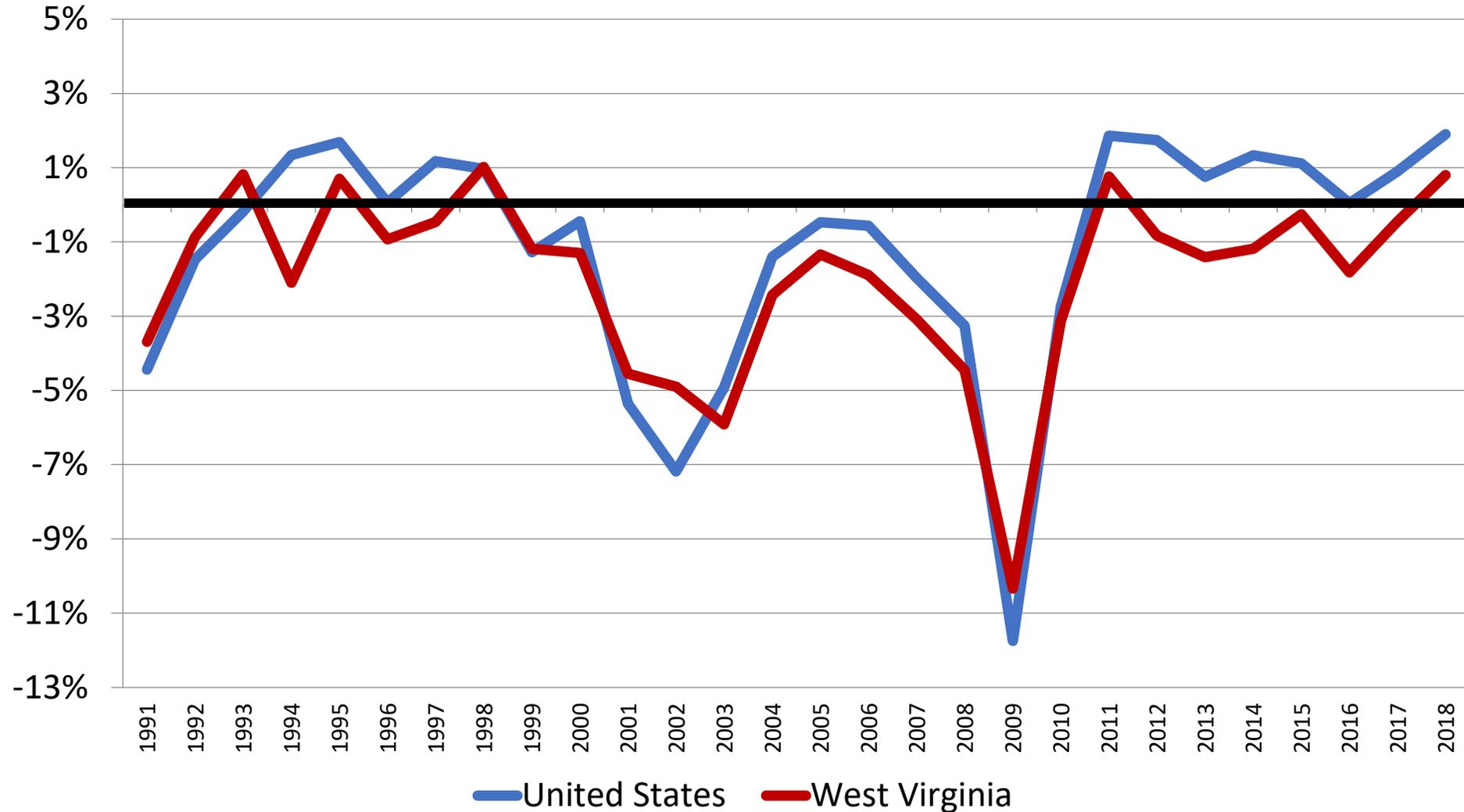
# West Virginia Manufacturing Jobs 1997 – 2018



# Percentage Annual Manufacturing Job Change 1990-2018



# Percentage Annual Manufacturing Job Change 1990-2018



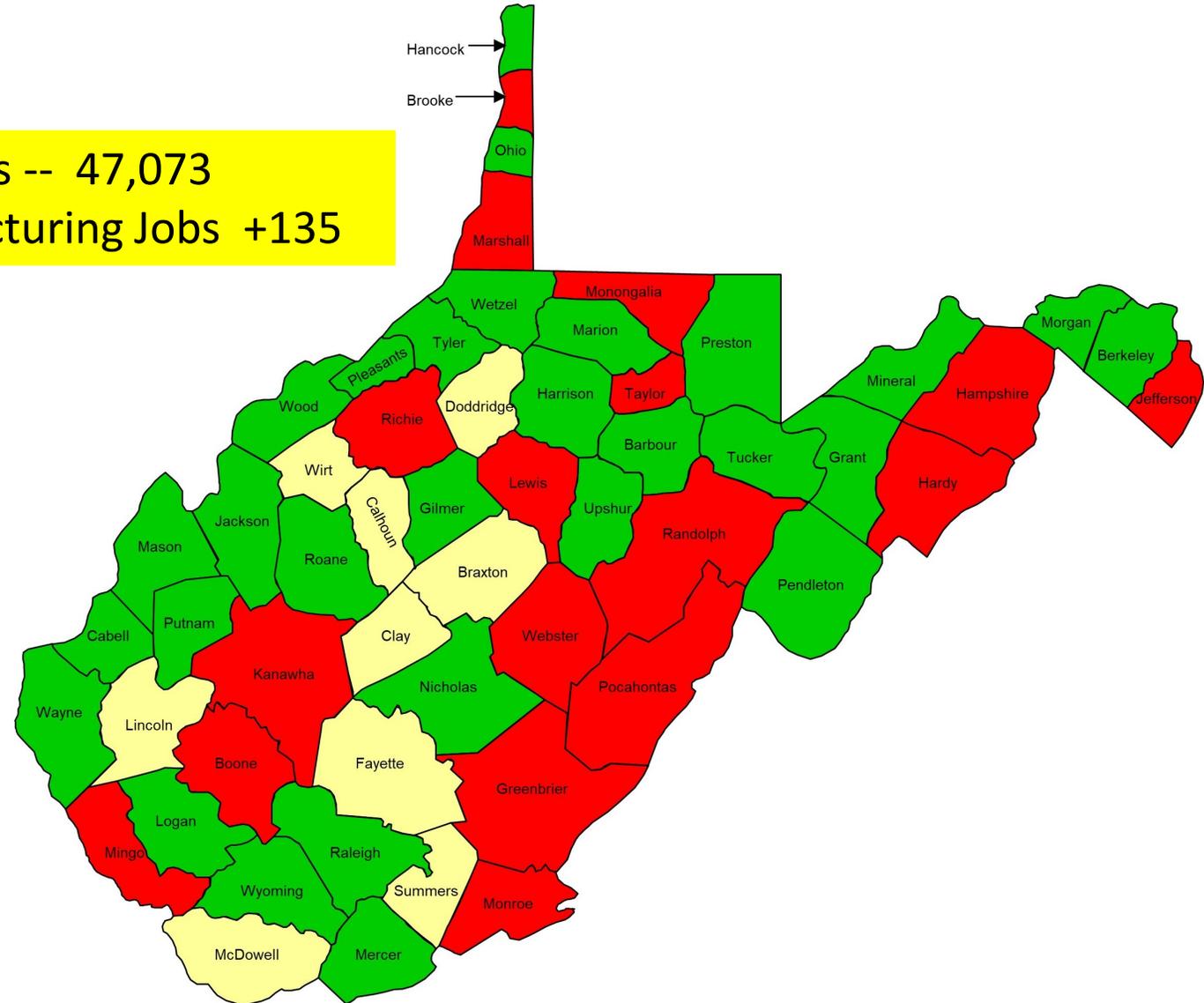
# Manufacturing Job Growth

2018 – 2019

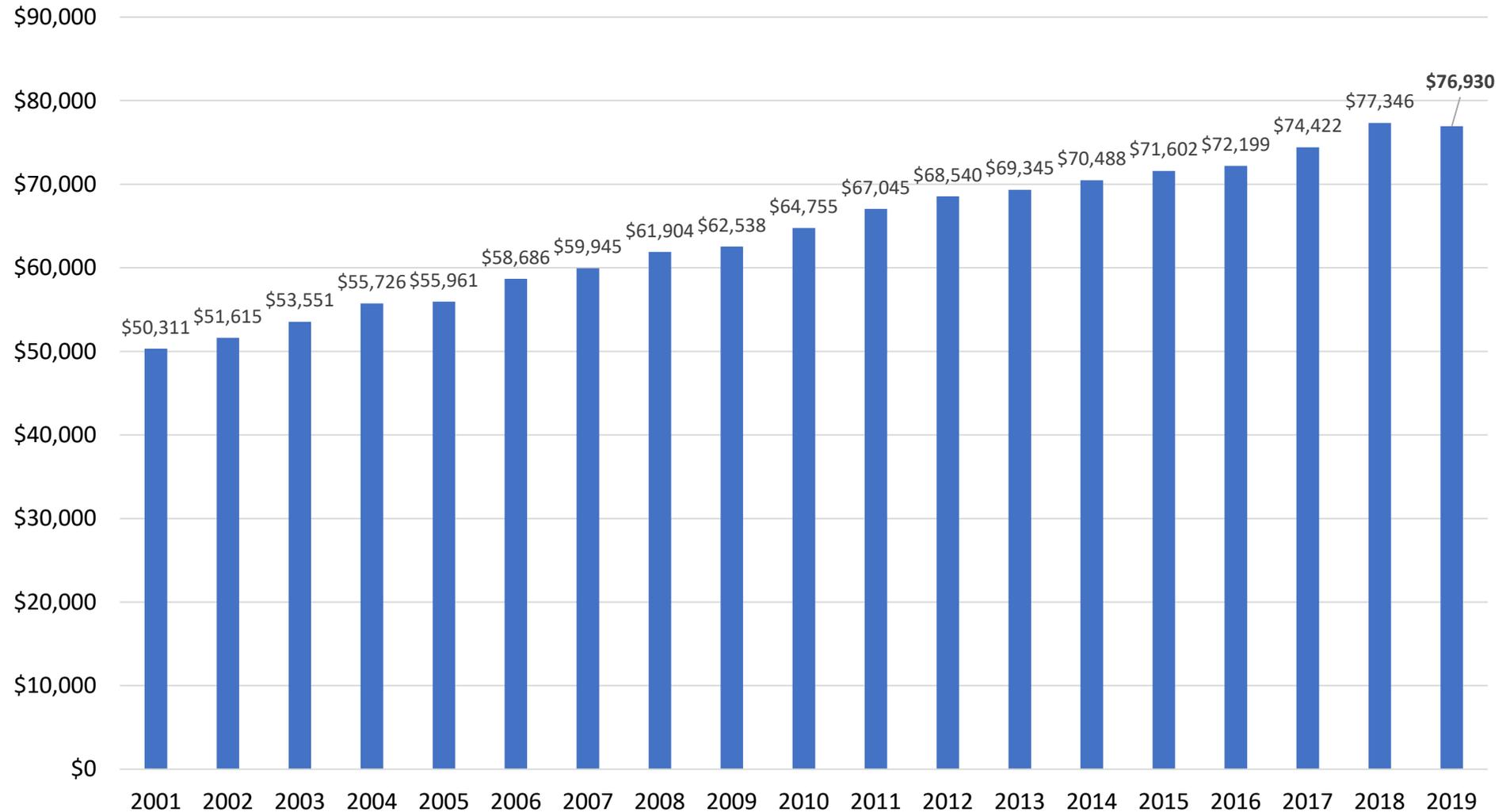
WV growth 0.3%

WV Manufacturing Jobs -- 47,073

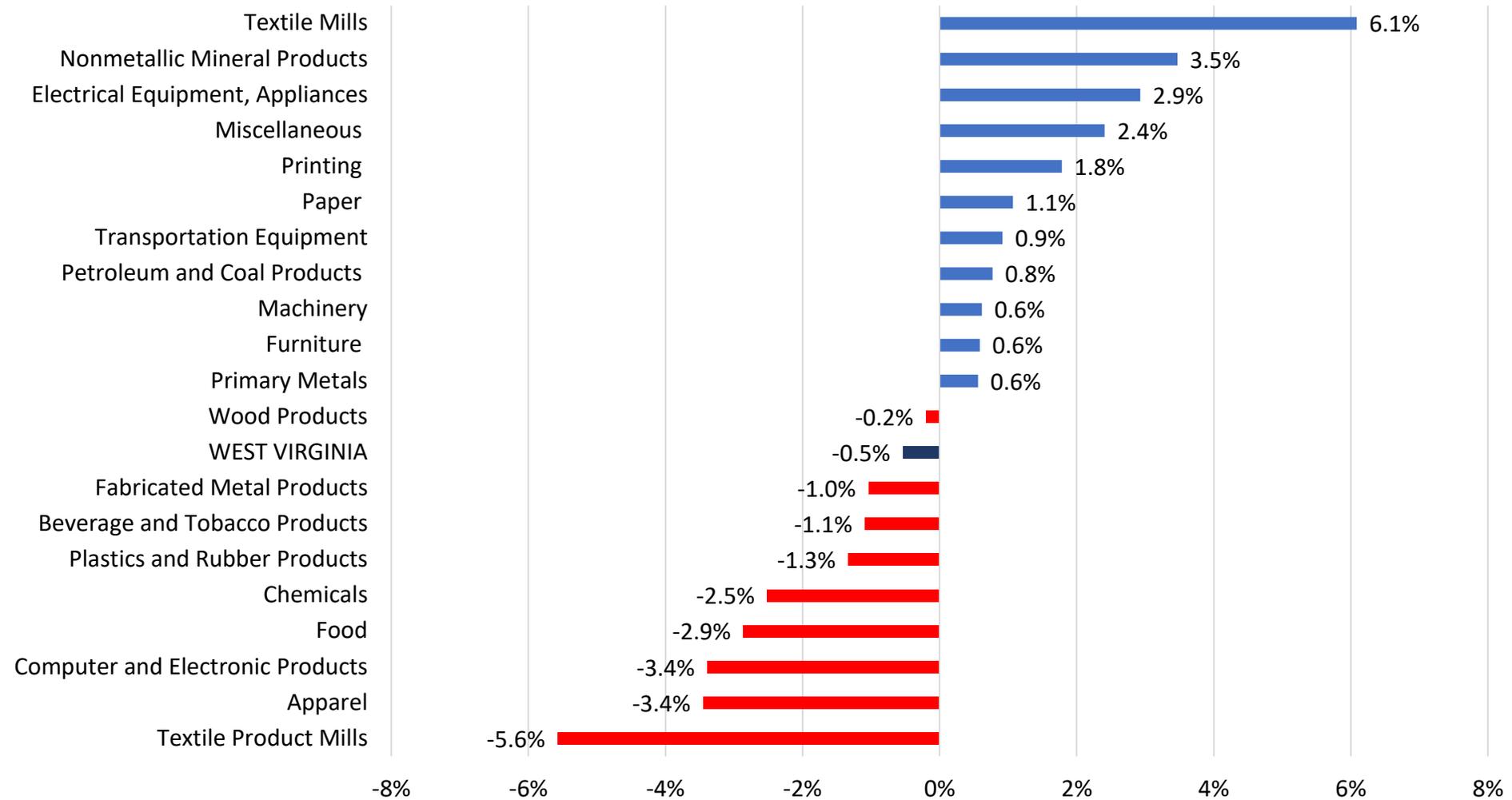
Net Change in Manufacturing Jobs +135



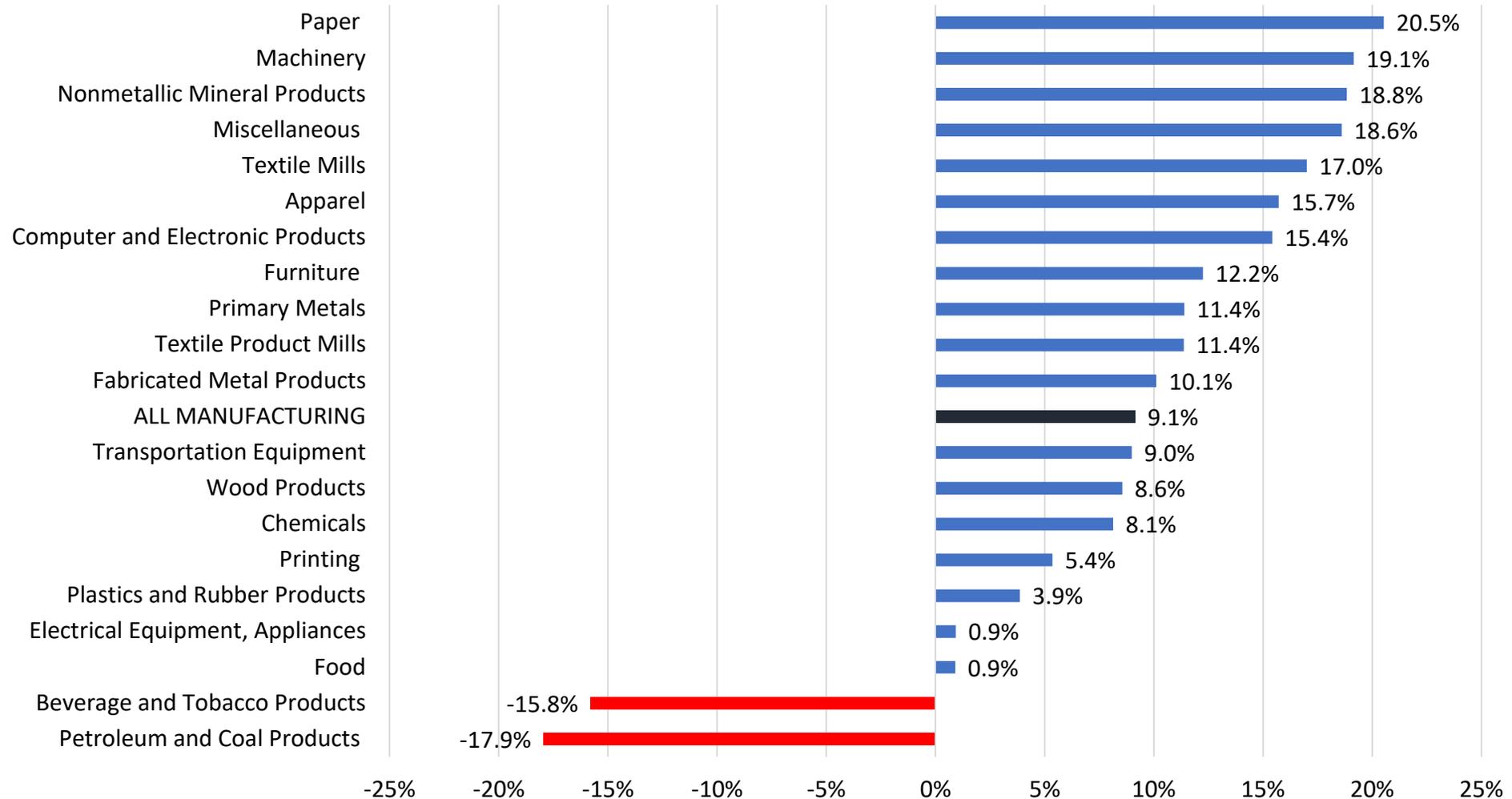
# WV Annual Average MFG Total Earnings 1990-2019



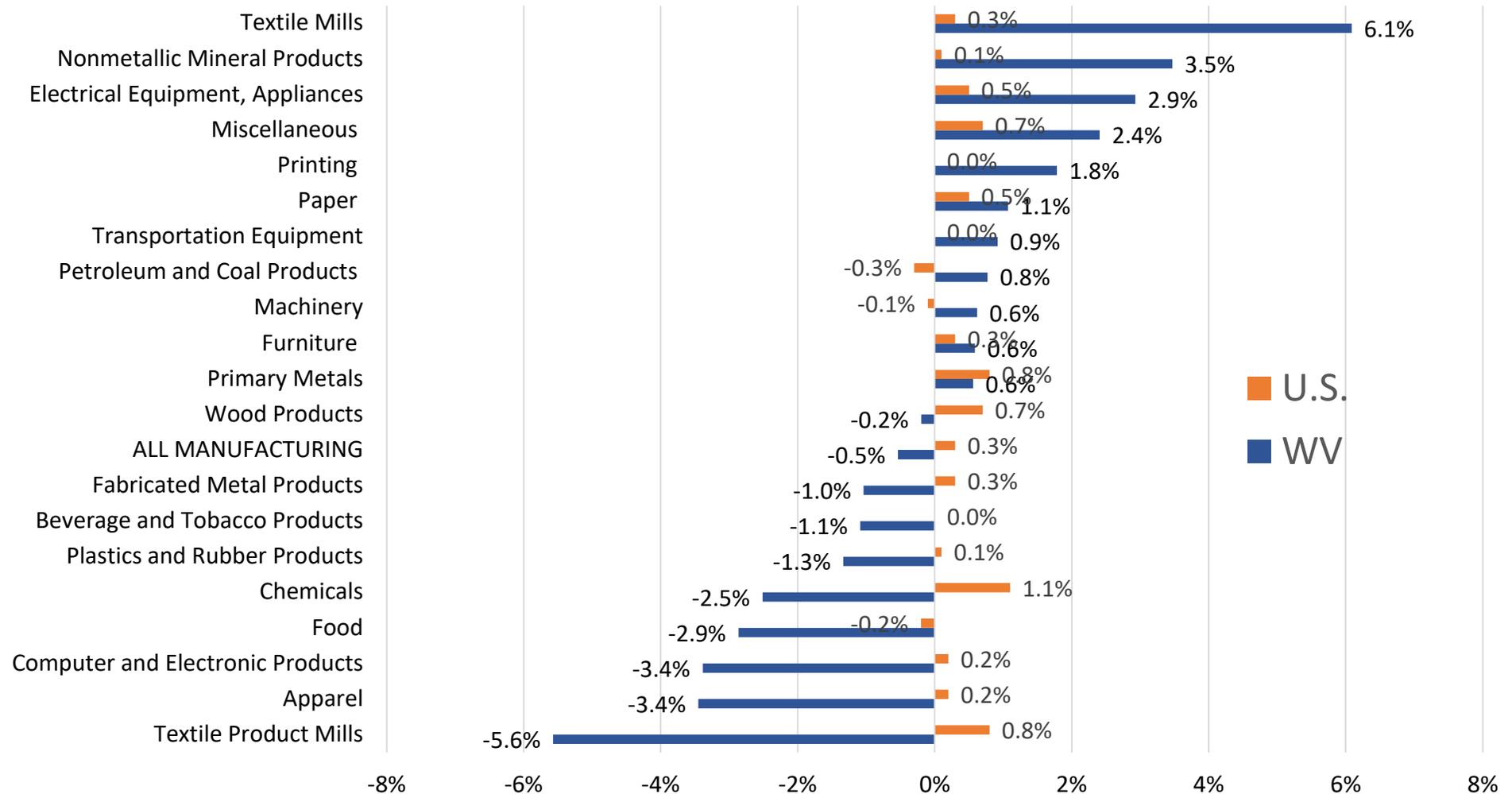
# WV Annual Average MFG Total Earnings 1 Year % change 2018-2019



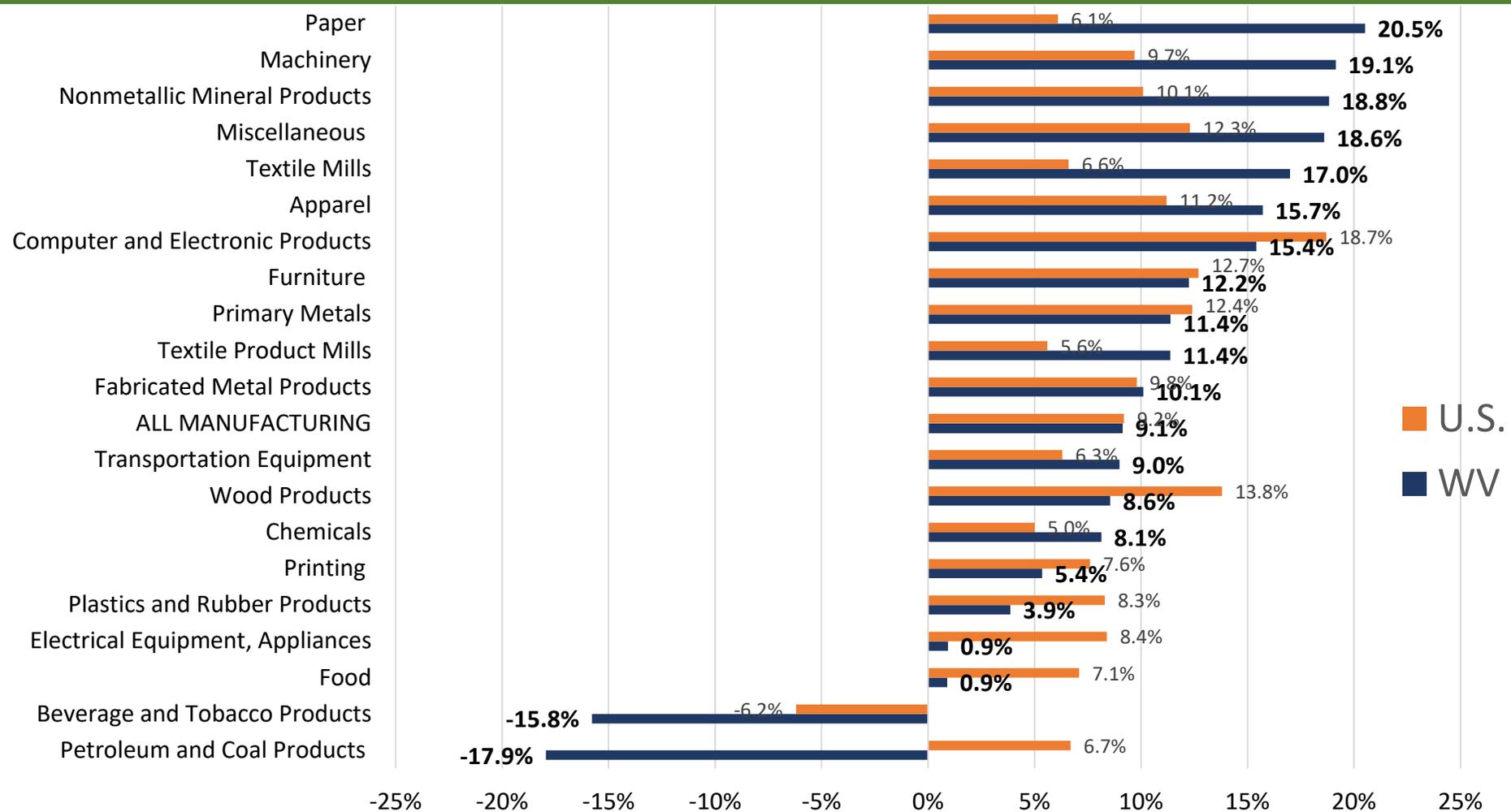
# WV Annual Average MFG Total Earnings 5 Year % change 2014-2019



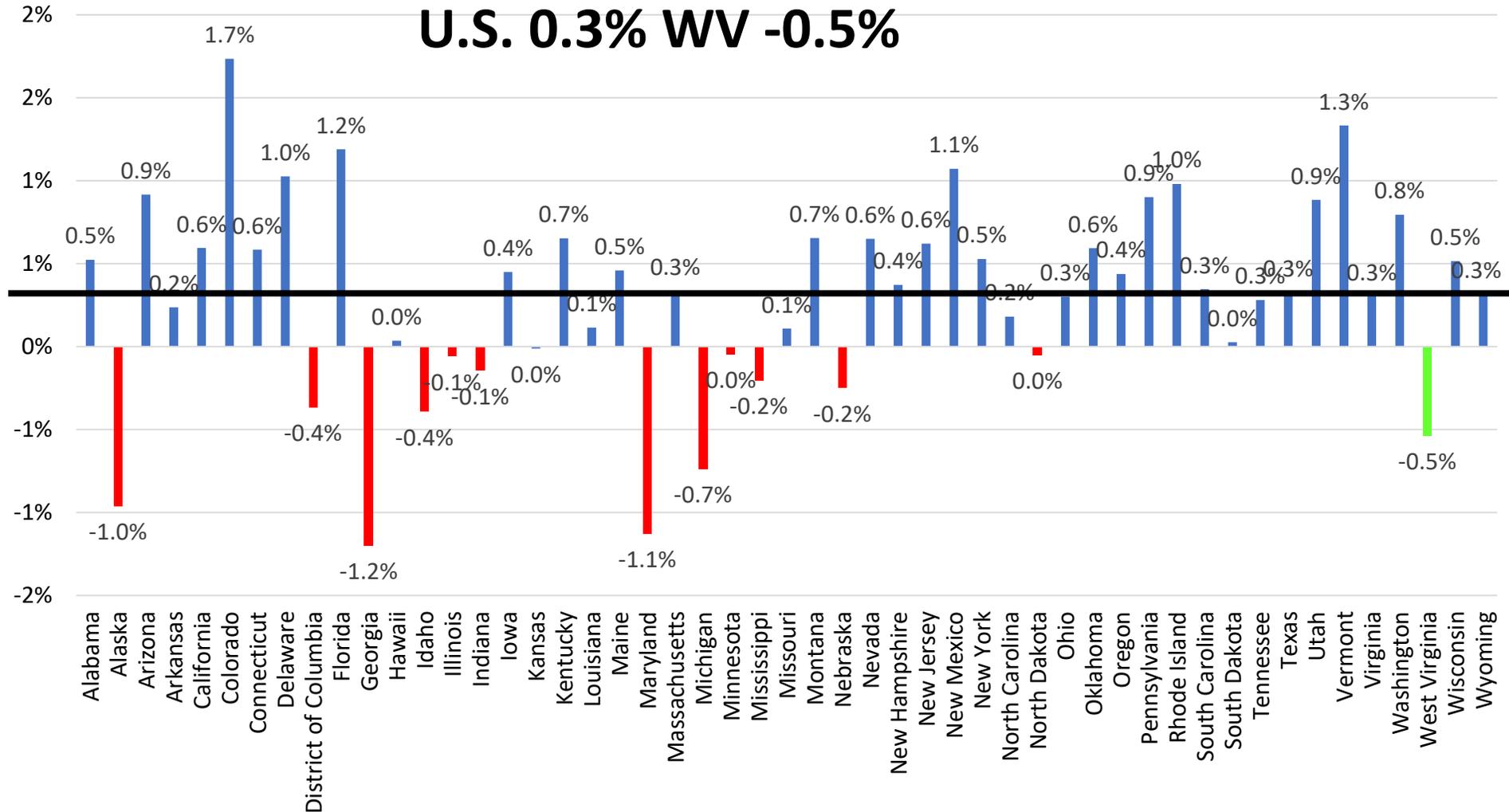
# WV & U.S. Annual Average MFG Total Earnings 1 Year % change 2018-2019



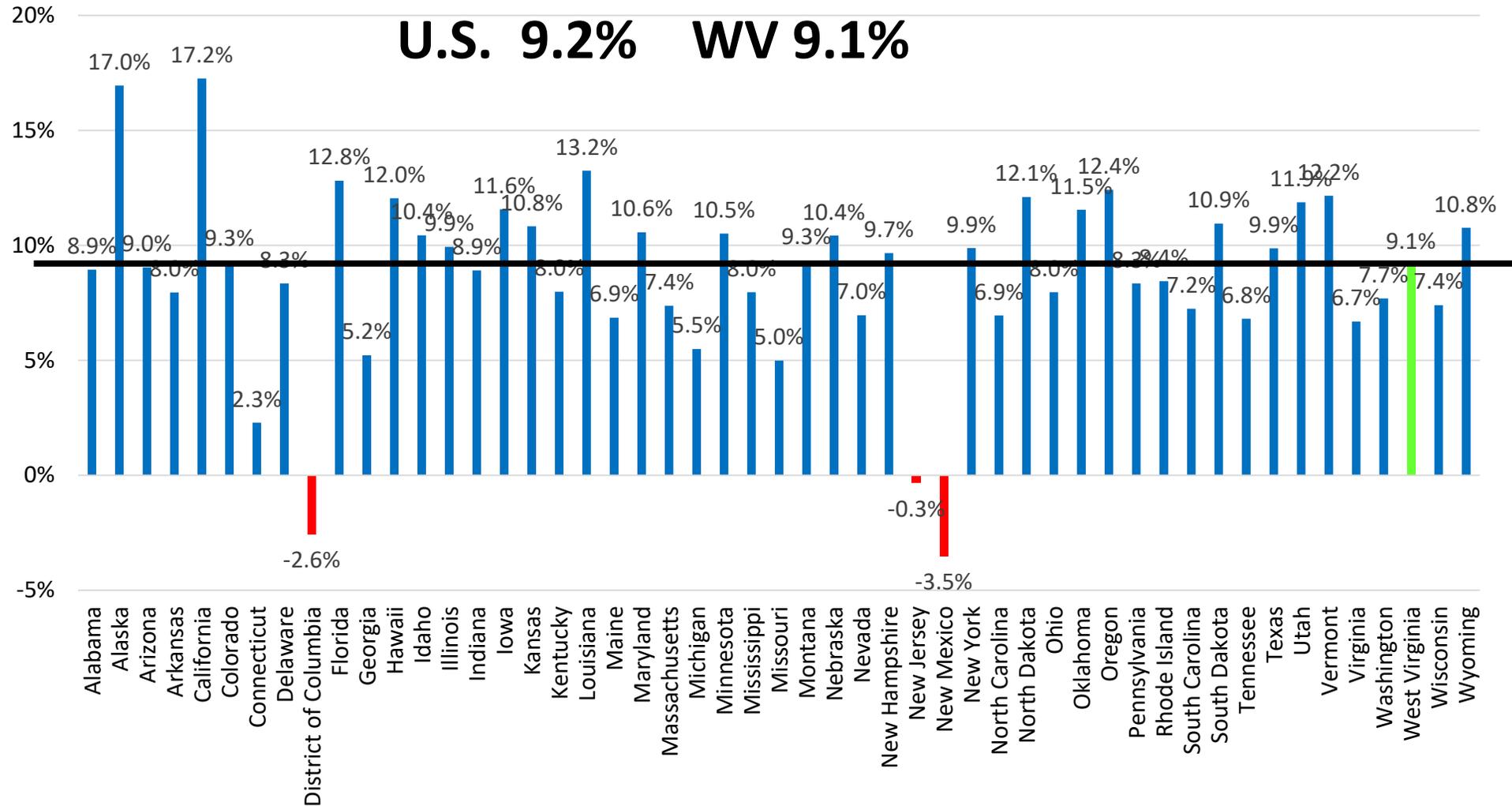
# WV & U.S. Annual Average MFG Total Earnings 5 Year % change 2014-2019



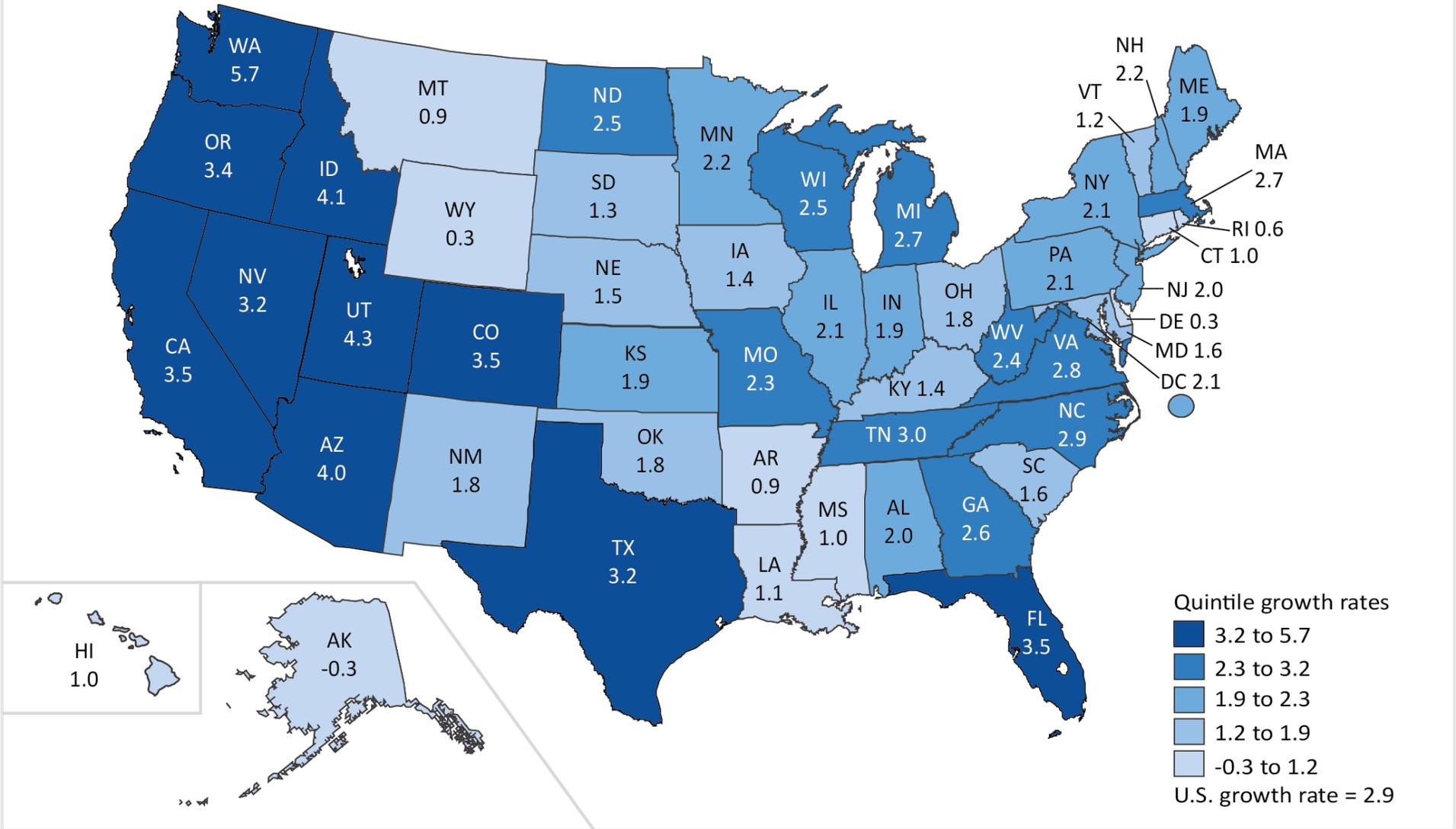
# All States Annual Average MFG Total Earnings 1 Year % change 2018-2019



# All States Annual Average MFG Total Earnings 5 Year % change 2014-2019

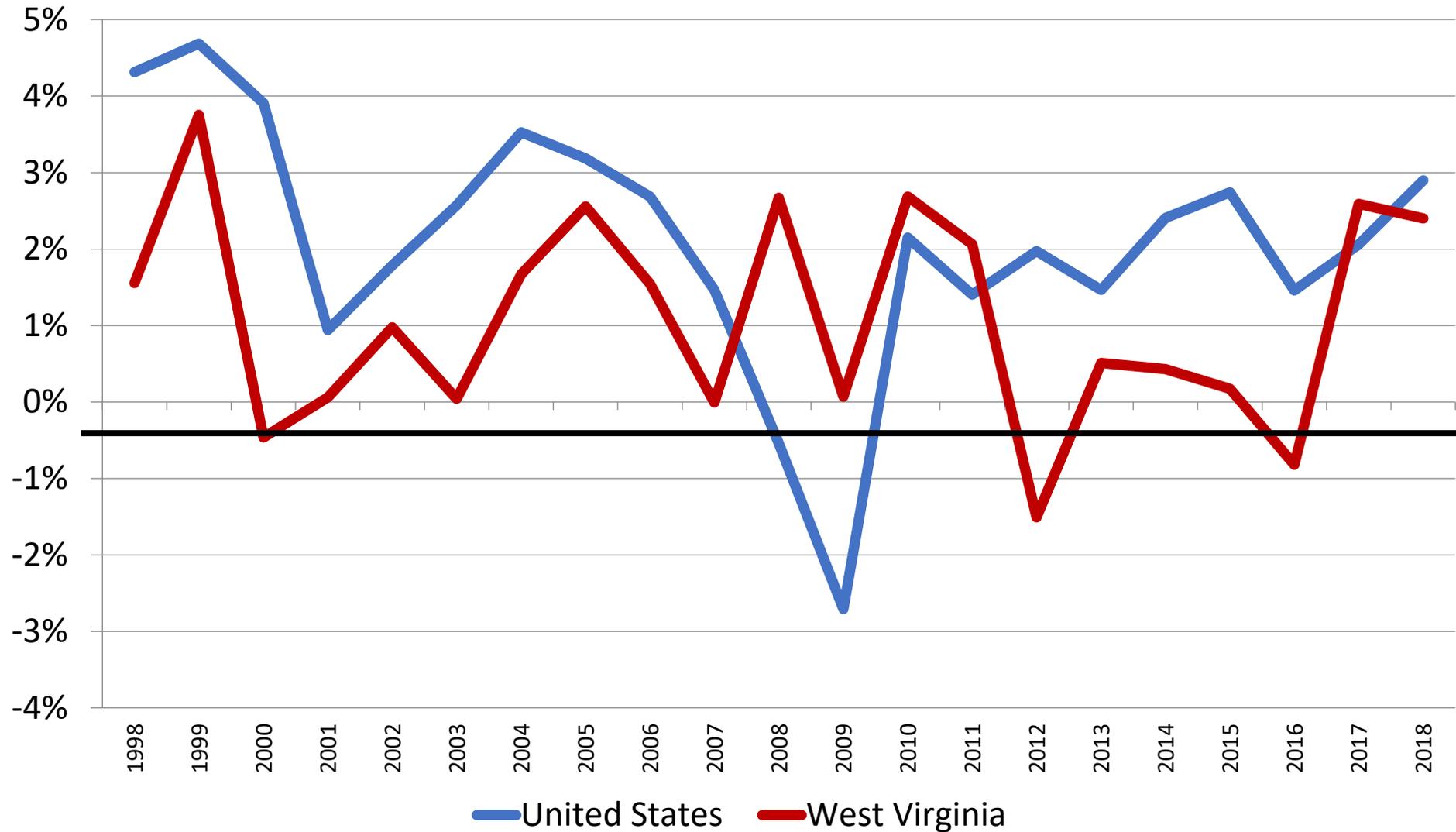


# Percent Change in Real GDP by State, 2017–2018



U.S. Bureau of Economic Analysis

# Percentage Annual GDP Change 1997-2018



# West Virginia Ranked Compared to All States

	<u>Job Growth</u>	<u>Wage Growth</u>	<u>GDP Growth</u>
1 Year 2017 – 2018	17	2	19
5 Year 2013 – 2018	48	19	47
10 Year 2008 - 2018	51	9	44

DC is included so that all rankings are of 51 “states”



# Measuring Competitiveness



# Multifactor Competitive Index

## 5 Indexes

- ❑ Business Climate
  - ❑ Workforce
  - ❑ Infrastructure
  - ❑ Innovation
  - ❑ Economic Strength
- (52 metrics)

## *Workforce Index Metrics*

- **High School Graduation Rate for all students 2015-16**
- Percentage of Population with Adult Obesity 2016 (this metric has not been updated as new data is not available)
- Persons age 18 to 24 not attending school, not working, and no degree beyond high school 2016
- **Labor Force Participation Rate 2017**
- **Manufacturing Output Per Manufacturing Employee 2017**
- Change in Manufacturing Output Per Manufacturing Employee 2010-2017
- **Age 25-44 Population Growth 2012-2017**
- Completed Tech & STEM Education Programs Per 1,000 Enrolled Students 2016
- Percent Change in Tech & STEM Education Program Completions 2010-2016
- Average 8th Grade Reading Score 2017
- **Average 8th Grade Math Score 2017**
- Veteran Unemployment Rate 2016
- **Veteran % share of total population 2016**
- Total number of sub-baccalaureate occupational credentials in manufacturing 2013
- Sub-baccalaureate occupational credentials in manufacturing as % of total credentials 2013

2019 OVERALL STATE RANKINGS								
		BUSINESS CLIMATE	WORKFORCE	INFRA-STRUCTURE	INNOVATION	ECONOMIC STRENGTH	TOTAL RANKINGS	AVERAGE RANK
1	Utah	15T	13	5	9	16	58	11.6
2	Minnesota	12	22T	4	17	11	66	13.2
3	Iowa	9T	10T	18T	27	7T	71	14.2
4	Texas	24	20T	2	12	17	75	15.0
5	Washington	32	3	16	2	27	80	16.0
6	North Carolina	3T	18	32	4	25	83	16.6
7	Oregon	22T	44	9T	5	6	86	17.2
8	Kansas	17	22T	9T	35	5	88	17.6
9	Maryland	29	8T	13T	10	30	90	18.0
10T	Georgia	27	25T	17	15	7T	91	18.2
10T	Arizona	6	30T	33	7	15	91	18.2
10T	North Dakota	3T	6T	1	44	37T	91	18.2
13	Idaho	11	25T	30	13	14	93	18.6
14	Ohio	5	27T	35	24	3	94	18.8
15T	Michigan	7	45	34	11	2	99	19.8
15T	Virginia	8	14	9T	31	37T	99	19.8
17	New Hampshire	21	8T	31	16	24	100	20.0
18	Florida	35	32	8	8	18	101	20.2
19	Kentucky	13T	19	6	43	23	104	20.8
20	Pennsylvania	40	15	21	21	12	109	21.8
21	Tennessee	19T	39	18T	29	10	115	23.0
22	Massachusetts	33	4	44	3	32	116	23.2
23	South Dakota	1	6T	37	42	33T	119	23.8
24	Colorado	30T	2	39	14	35	120	24.0
25	South Carolina	19T	48	25	33	1	126	25.2
26	Nebraska	9T	10T	29	36	43T	127	25.4
27	Connecticut	13T	10T	38	22	45	128	25.6
28	California	50	35	42T	1	4	132	26.4
29	Wisconsin	37	16	36	25	20	134	26.8
30	Vermont	38	20T	7	34	39	138	27.6
31	New Jersey	47	17	27	19T	29	139	27.8
32	Wyoming	2	1	50	41	47	141	28.2
33	Indiana	36	24	47	26	9	142	28.4
34T	Missouri	15T	30T	48	18	33T	144	28.8
34T	New Mexico	28	50	3	23	40	144	28.8
36	Illinois	49	33	23	19T	21	145	29.0
37	New York	34	36	42T	6	28	146	29.2
38T	Alabama	26	46	12	37	26	147	29.4
38T	Delaware	44	29	15	28	31	147	29.4
40	Montana	43	5	24	38	42	152	30.4
41	Oklahoma	25	34	22	40	36	157	31.4
42	Nevada	18	41	28	32	41	160	32.0
43	Louisiana	42	42	26	46	13	169	33.8
44	Arkansas	22T	40	46	47	19	174	34.8
45	Maine	39	27T	41	30	43T	180	36.0
46	Mississippi	30T	49	45	45	22	191	38.2
47	Alaska	48	43	13T	49	48	201	40.2
48	West Virginia	41	47	20	50	46	204	40.8
49	Hawaii	45	37	40	48	50	220	44.0
50	Rhode Island	46	38	49	39	49	221	44.2
			top 15			bottom 15		

48

# Multifactor Competitive Index

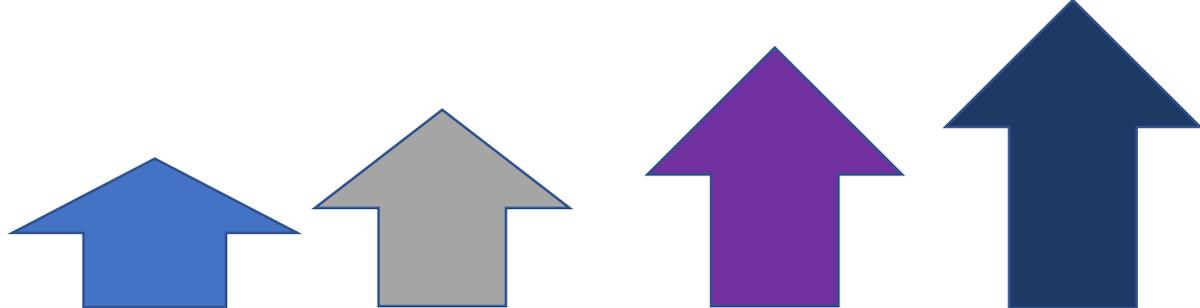
## 5 Indexes

- Business Climate
- Workforce
- Infrastructure
- Innovation
- Economic Strength  
(55 metrics)

## Results

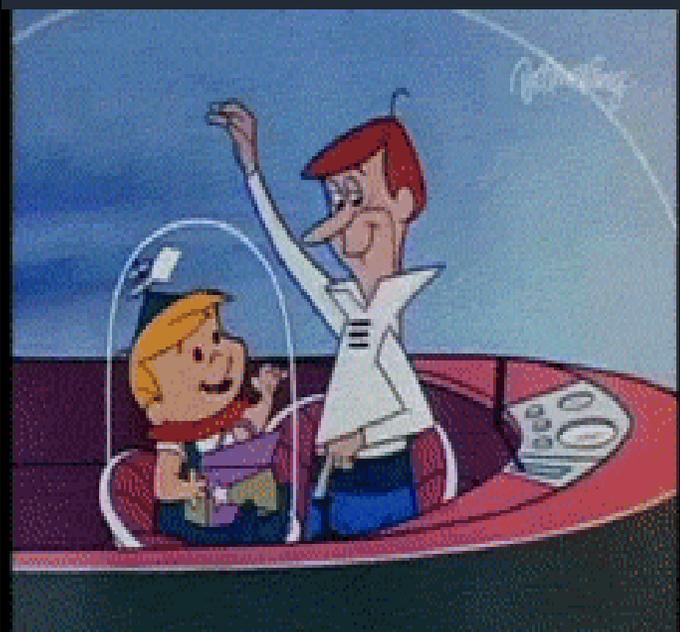
	2019	2018		
Business Climate	41 <sup>st</sup>	38 <sup>th</sup>		
Workforce	49 <sup>th</sup>	47 <sup>th</sup>		
Infrastructure	20 <sup>th</sup>	31 <sup>th</sup>		
Innovation	31 <sup>th</sup>	39 <sup>th</sup>		
Economic Strength	48 <sup>th</sup>	39 <sup>th</sup>		

Improvements in labor force participation rate; persons 18-24 not in school or working; veteran unemployment; freight shipments value; state spending on transportation per capita; total exports per capita



# Trendspotting

A Jetson's Kind of Thinking



If you want to think like a futurist- stop marveling at “what’s new” and begin to think “what’s next”.

... and how it will impact me and my organization!

# Trends That Are Certain

**Urbanization**



**Longevity**



**Diversity**

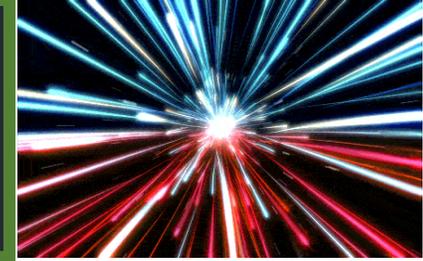


**Tech**



# #1 Acceleration

Everything Gets Faster & Faster



- Customer expectations
- Consumer preferences
- Technology adoption
- Speed to market



Is there anyone here today that believes the pace of change will slow over the next 10 years?

# Your High-Tech World 20 Years Ago

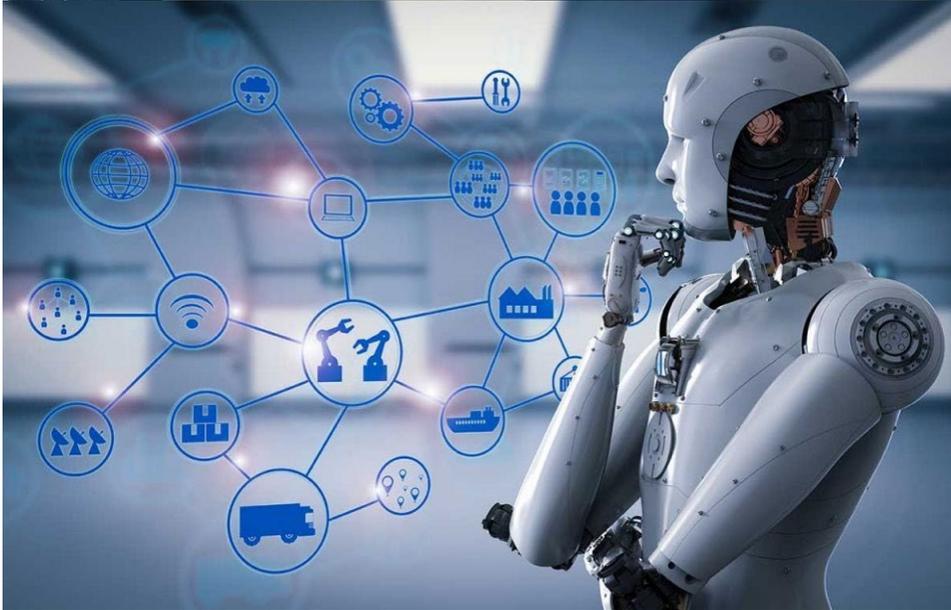


# You are Probably Riding the Tech Wave?



# Rapid Technological Advancement

## Wearables



# #2 Hyper-Connectivity & Data Democratization

- 4.1 billion people on the internet
- By 2021, 2 billion people using digital assistants
- Since I started talking, 25,000 new websites



# But Also, Segmented-Hyper-Connectivity

- Launched way back in 2017...
- **200 million players and \$2B in revenue**



# Data Analytics Might Rule the World



# Economic Leadership Multifactor Analysis

## 200 Factors for top 100 Metros

**Business Climate** (building costs, adjusted COL, household disposable income, rental costs, housing costs, traffic congestion, crime rates, regulatory and legal rankings)

**Workforce/Education** (educational attainment, standardized tests scores, education expenditures, HB1 visas)

**Innovation-** (private funded R&D, patents, tech growth, STEM completers, broadband penetration, VC, biz birth rates)

**Demographics** (population change, projected population growth, age dependency, out-of-state & foreign in-migration, millennial growth, age, poverty)

**Economy** (GDP, GDP Growth, wages, employment growth, unemployment, economic diversity)

- 1) Raleigh
- 2) Austin
- 3) Seattle
- 4) Dallas
- 5) Charlotte
- 6) Nashville
- 7) Salt Lake City
- 8) San Francisco
- 9) Durham
- 10) Atlanta

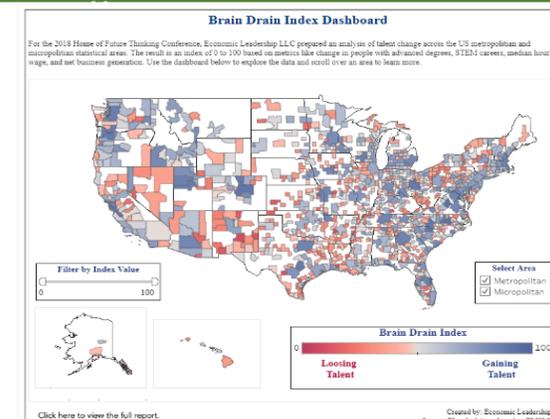
# Talent Attraction is the Top Competitive Factor

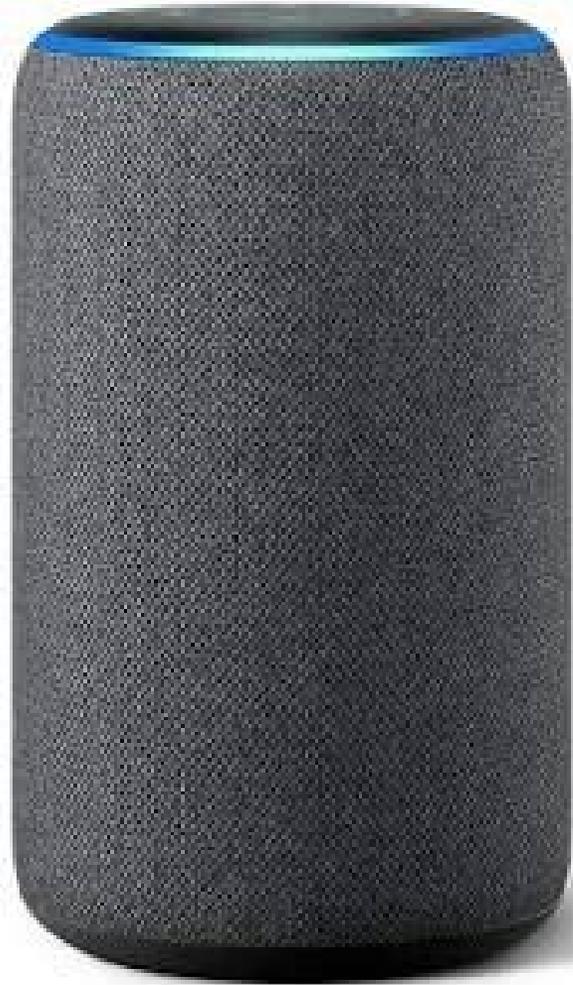
## Brain Attraction Index Components Measured for 933 Metros & Micros Across the County

- Change in Number of People with Advanced Degrees
- Change in STEM Jobs
- Number of STEM Jobs
- Median Hourly Wage for STEM Jobs – Cost of Living Adjusted
- Net Business Generation
- Change in White Collar Jobs
- Science & Engineering Graduates
- Number of People with Advanced Degrees

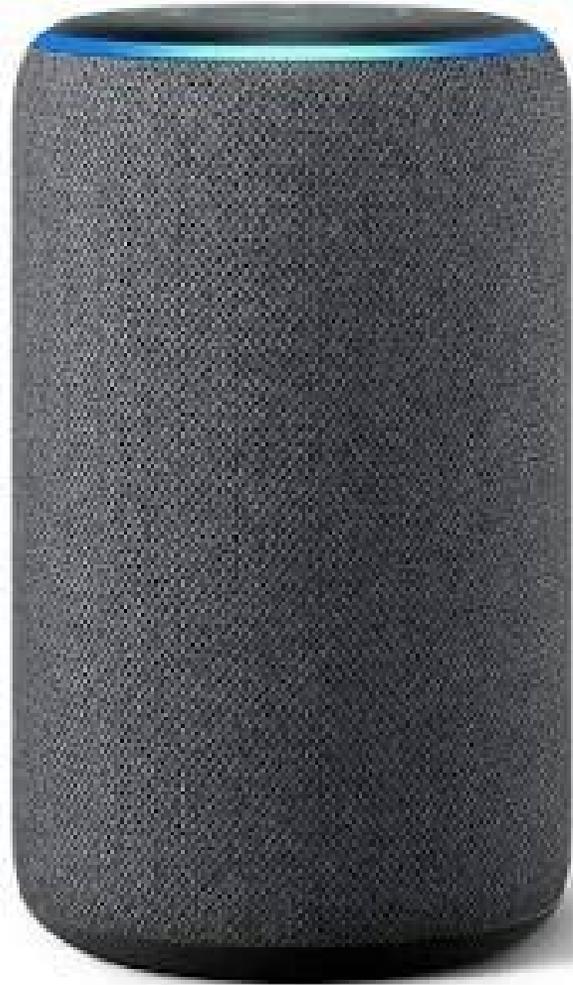
## Top 20 Brain Attraction Index Areas

- 1 Charlottesville, VA
- 2 San Jose-Sunnyvale-Santa Clara, CA
- 3 Raleigh-Cary, NC
- 4 Denver-Aurora-Lakewood, CO
- 5 Charlotte-Concord-Gastonia, NC-SC
- 6 Austin-Round Rock, TX
- 7 Palm Bay-Melbourne-Titusville, FL
- 8 Portland-Vancouver OR-WA
- 9 Columbus, OH





Hey Alexa-  
What are best  
restaurants in  
town?



Hey Alexa-  
What are best  
communities to  
manufacturer  
in?

Predictive  
Analytics

# #3 Constant Disruption



\$10,000. 2 Pounds.  
10 Hours to Charge...lasts 20 minutes

# #3 Constant Disruption



# #3 Constant Disruption



Products  
Companies  
Sectors  
Occupations

# Product Disruption



# Product Disruption



# Whole Sector Disruption



# Whole Sector Disruption



## Manufacturing



IoT

Augmented Reality

Additive Manufacturing

Mobile Robotics

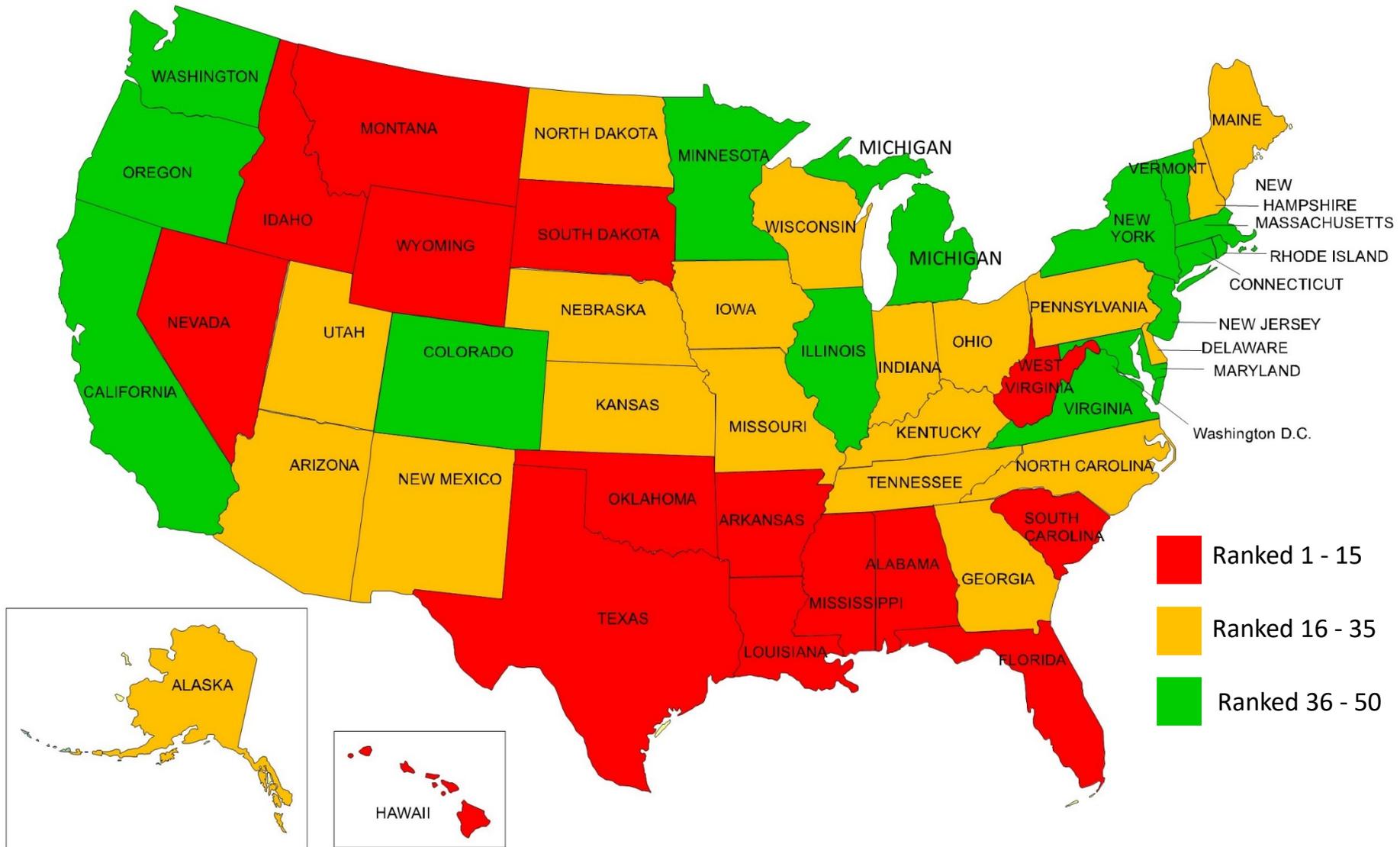
B2C

New Collar Workforce

# Jobs are Continuously Changing

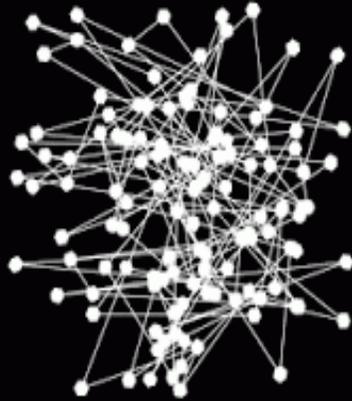


# States Where Jobs are Most Vulnerable to Automation



# #4 Rising Complexity & Dependency

## Information Expansion (Overload)



# Collective Intelligence

Cognition

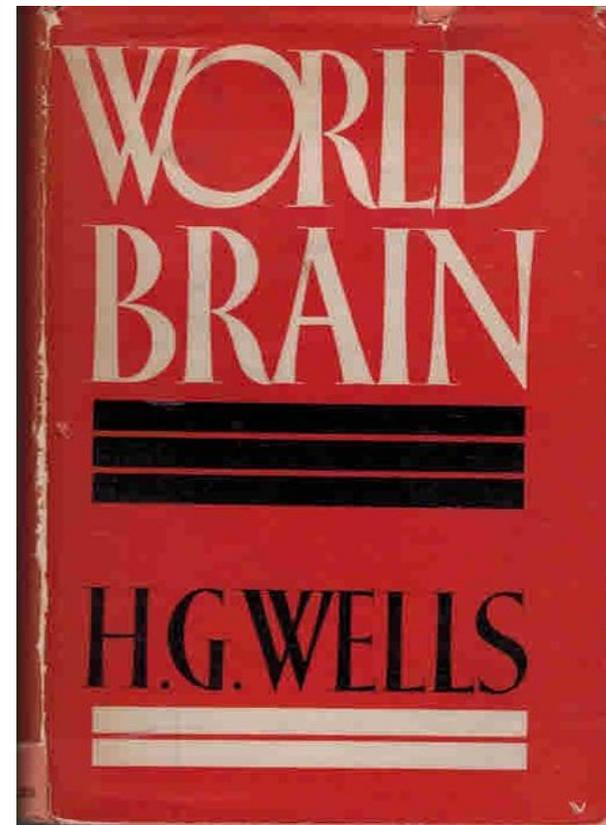
Cooperation

Collaboration

Future  
Thinking

Networks of  
Trust

Collective  
Action



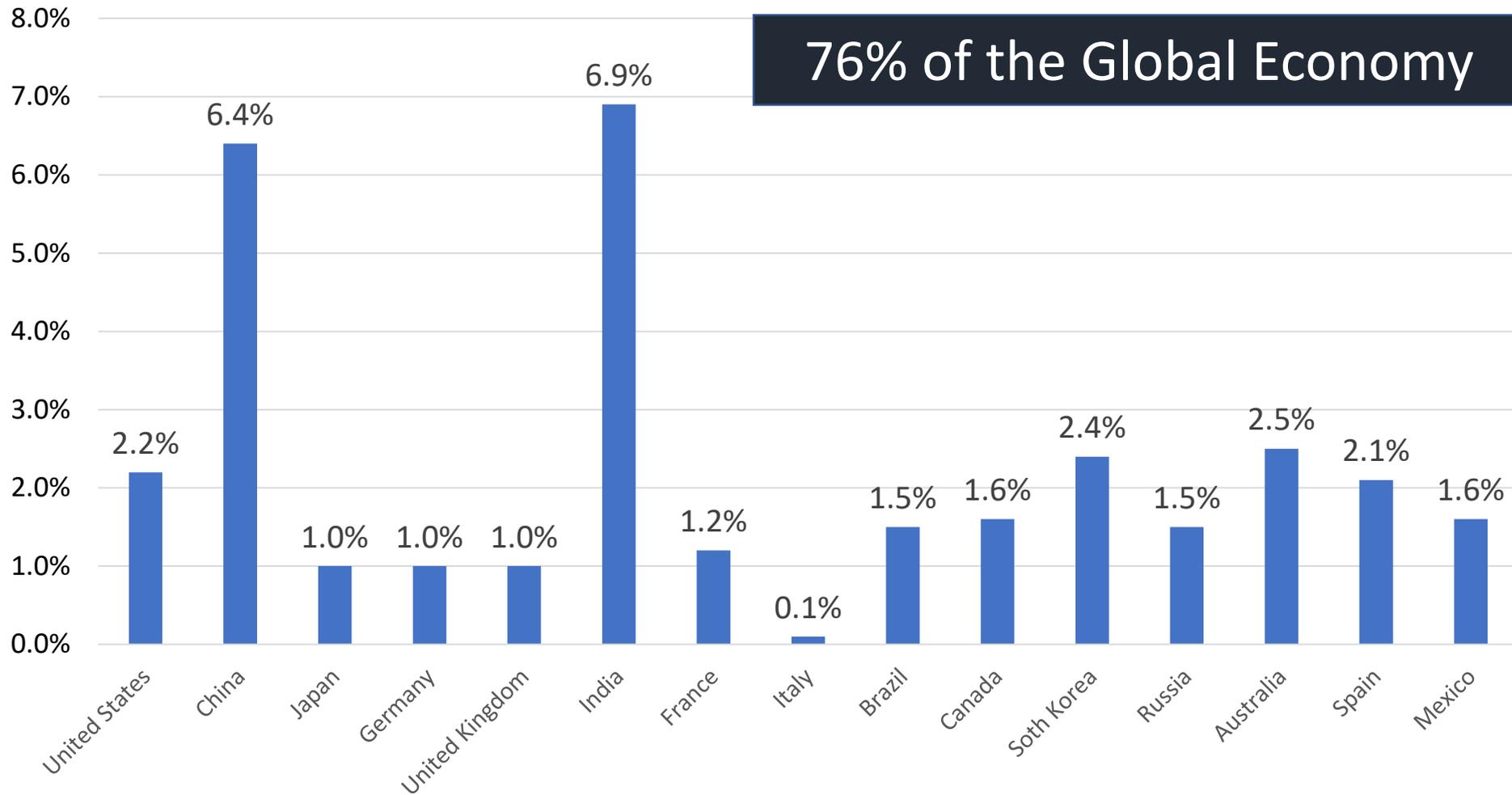
The future challenge for effective leaders is to gather & filter information, simplify complexity and convert knowledge into action, quickly!

# #5 Emerging **Geo-Muddle**

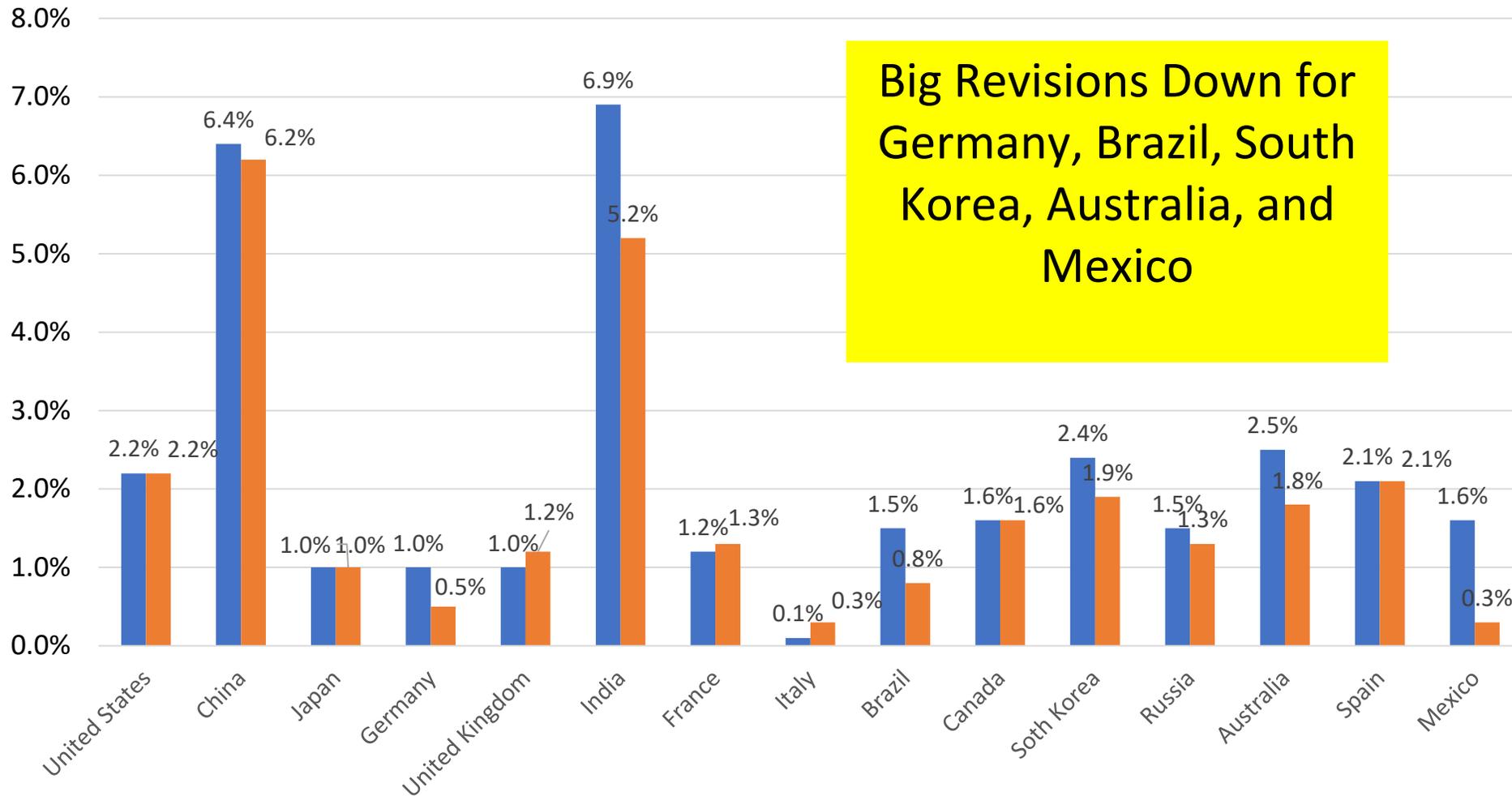
The World Order Never Stops Changing Don't Be the Frog



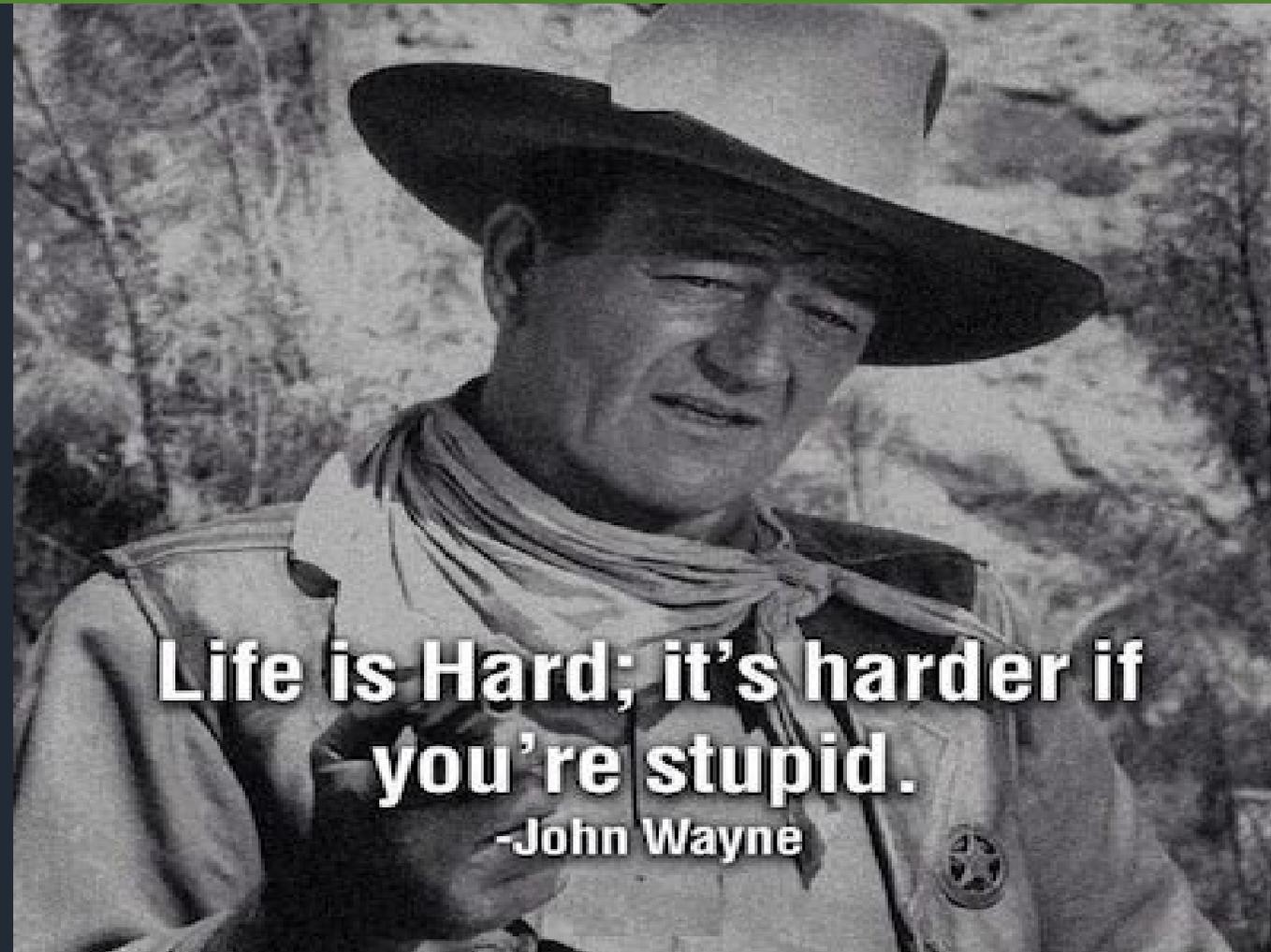
# Top 15 Countries GDP Growth Projections 2019 (May)

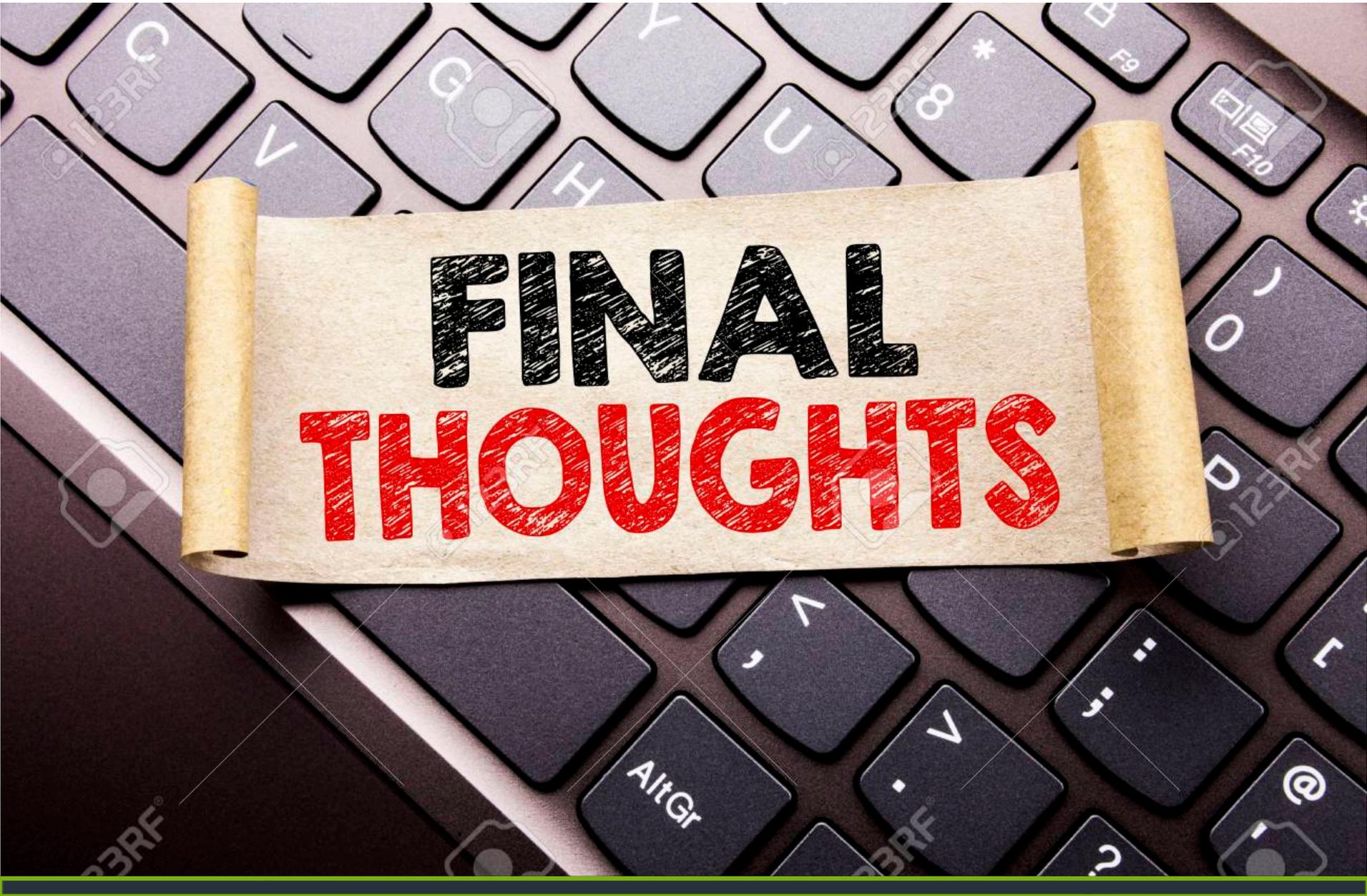


# Top 15 Countries GDP Growth Projections 2019 (October)



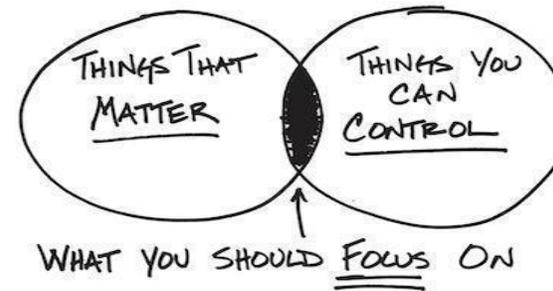
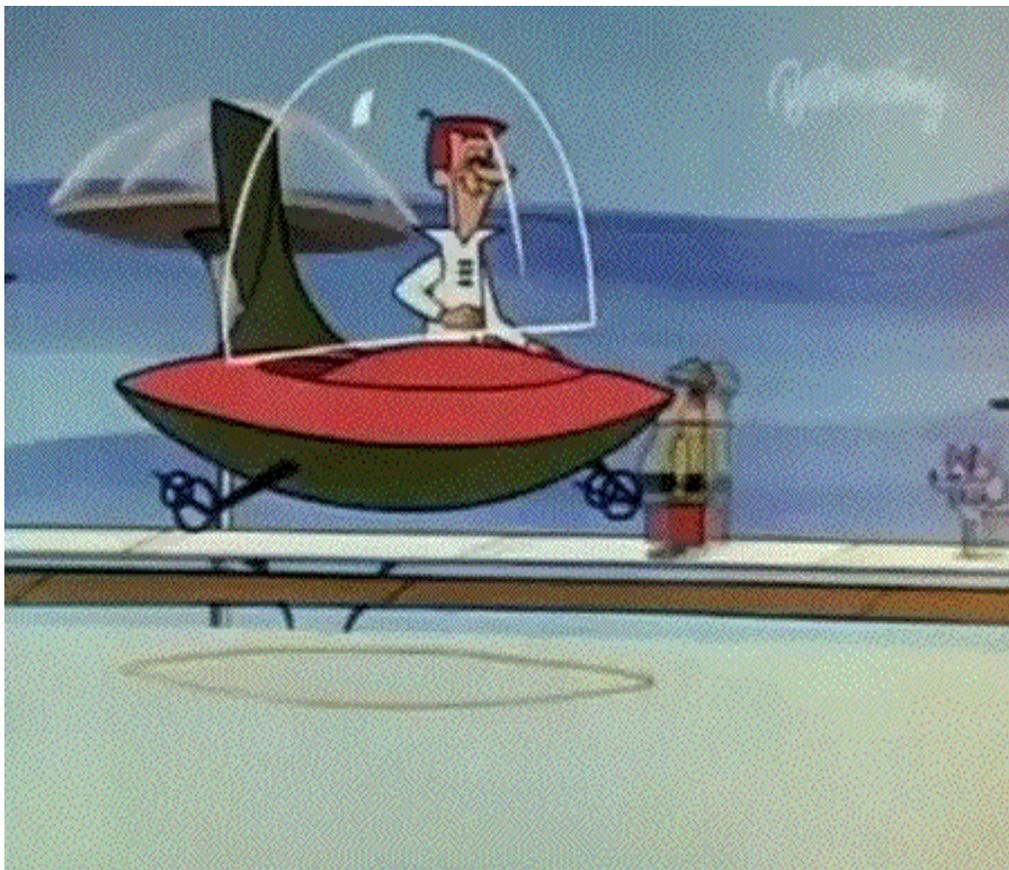
# #6 In Times of Rapid Transformation Serendipity is Not a Strategy





# Recommendations from 2017 Call to Action

- **Develop a 5-year strategy to improve WV manufacturing competitiveness.**
- Expand cluster strategies-including supply chain analysis for automotive, aerospace and chemical manufacturing
- **Improvements to the state's manufacturing business climate be a top priority, including tax policy**
- **A more demand-driven approach to education and workforce development**
- Research the state's technology sector and create innovation recommendations
- Prioritize high-speed broadband
- Developing a public dashboard to measure progress.



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*"Leadership and learning are indispensable to each other."  
John F. Kennedy*



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# Logan Hartle

Warwood Tool Co.



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ASSOCIATION

# Daniel Lobb

TRP Enterprises Inc.

# Leading by Example & Inspiring Greatness in Others

**WVMA Winter Convention, December 6, 2019**

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# Foundational Skill

**Stay Positive, Productive and Effective**  
***No matter what the circumstances!***

# Session Objectives

- **Inspire others. Lead by example.**
- **Explore the impact of a positive mindset, and the consequences of victim thinking.**
- **Develop the resiliency that inspires others to move through adversity.**

# Which is more important?

EQ OR IQ ?

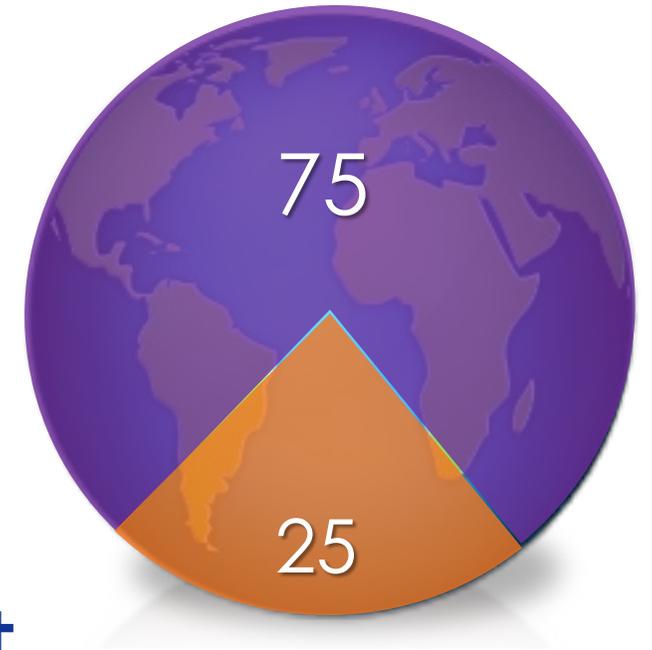
Emotional  
Quotient

*(Emotional Intelligence)*

Intelligence  
Quotient



**What percentage  
of job success  
is determined by  
our IQ?**



**Optimism, support,  
seeing stress as an  
opportunity.**

***Shawn Achor,  
The Happiness Advantage***

# Pick a Statement...

- **That's not fair!**
- **Can you believe what she did to me?**
- **Ugh, I'm so done with dealing with him...**
- **That was not my fault!**
- **I'm sick and tired of...**
- **Why does this always happen to me?!?**

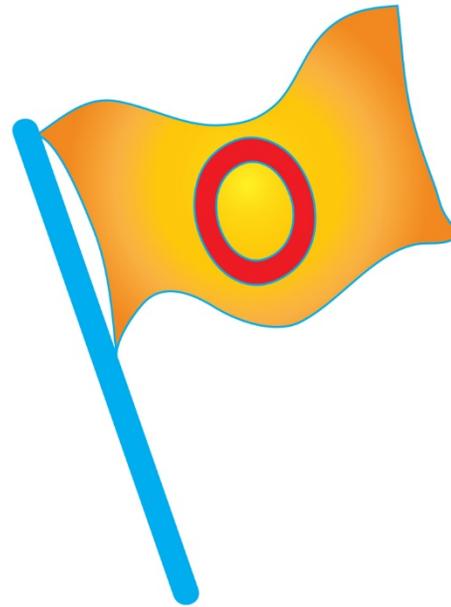
# The Victim Mentality

- If things are going wrong, or badly, or not to my liking, then someone is to blame.
- It is necessary to identify the persons, circumstances, or sources of why things are not as I think they should be.
- Blame must be determined and accepted by the wrongdoer, and things must be made right.
- I am justified in being emotionally upset. Neither growth nor learning result from the bad things that happen to me.

# Totally Responsible Person

Everything that happens to me  
provides me with

**O**pportunities  
**F**or  
**L**earning  
**A**nd  
**G**rowth.



I cannot blame anyone else for how I feel,  
what I do, or the attitude I choose.

# Opportunity

**Stimulus**  **Reaction**

# Opportunity

**STIMULUS** → **CHOICE** → **RESPONSE**

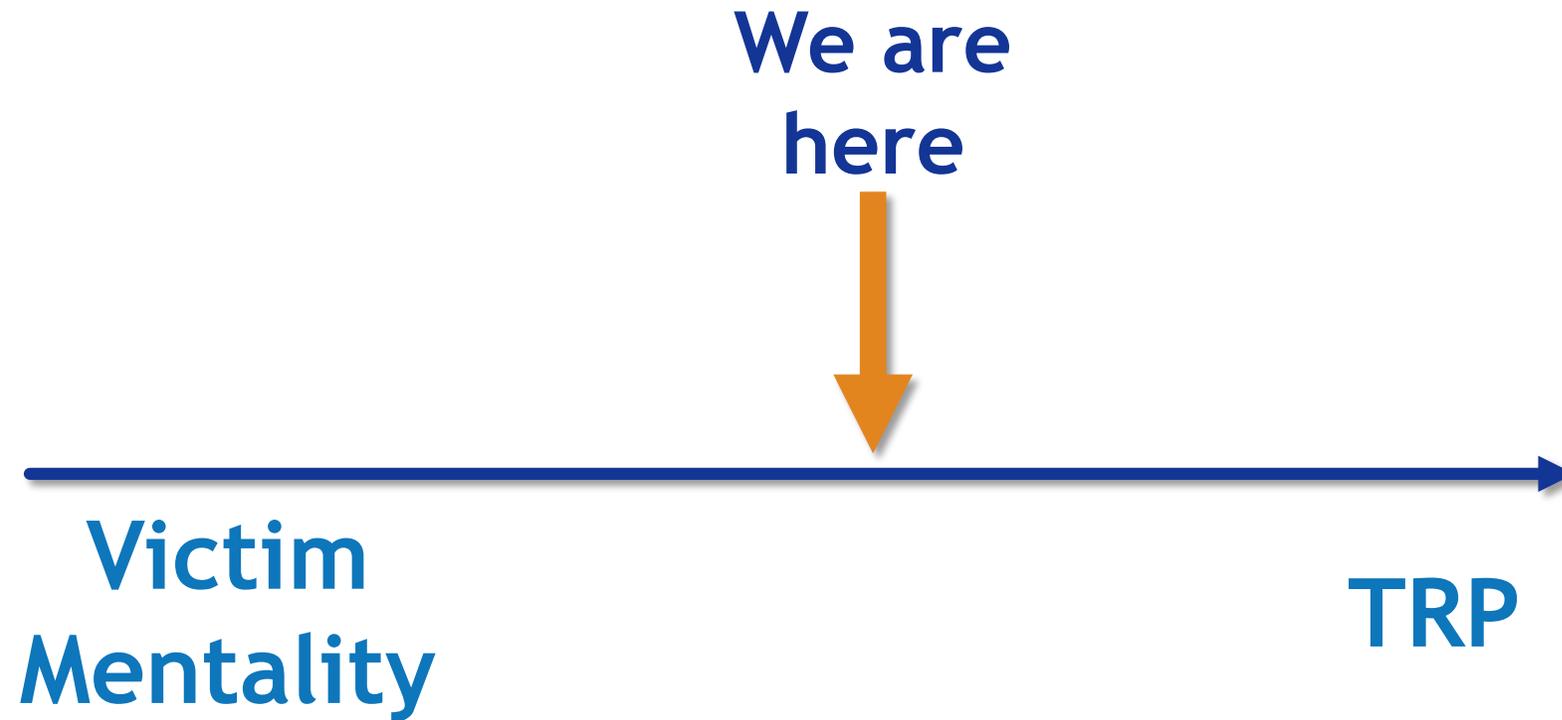
# Awareness

**AWARENESS**

**A  
L  
L  
O  
W  
S**

**STIMULUS** → **CHOICE** → **RESPONSE**

# The Spectrum



# ELEMENTS of Self-Responsibility

1. Everything that happens to me provides me with opportunities for learning and growth.



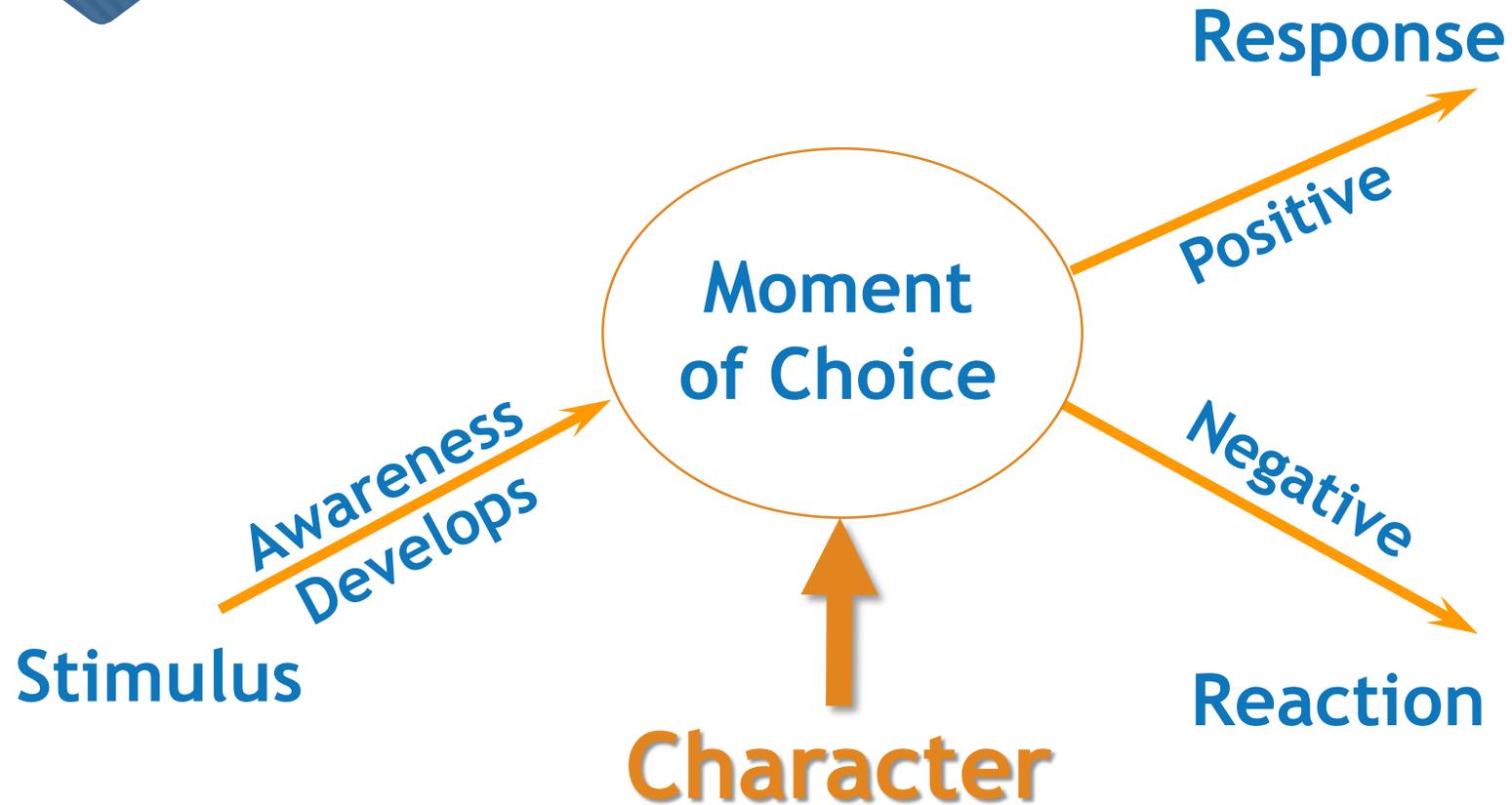
# ELEMENTS of Self-Responsibility

2. I cannot **BLAME** anyone else for how I feel, what I do, or the attitude that I choose.

# What does TRP mean to you?

**Who is a personal role model for you, either now, or someone who has served that role in the past?**

# Moments of Choice



# THANK YOU WVMA!

Daniel Lobb, CPLP [daniel@trpnet.com](mailto:daniel@trpnet.com)  
TRP Enterprises, Inc. (336) 777-1947



[www.trpnet.com](http://www.trpnet.com)



[www.linkedin.com/in/dlobb](http://www.linkedin.com/in/dlobb)



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# Networking Lunch



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2019

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THE GREENBRIER  
WHITE SULPHUR SPRINGS, W.VA.  
DECEMBER 6-7, 2019



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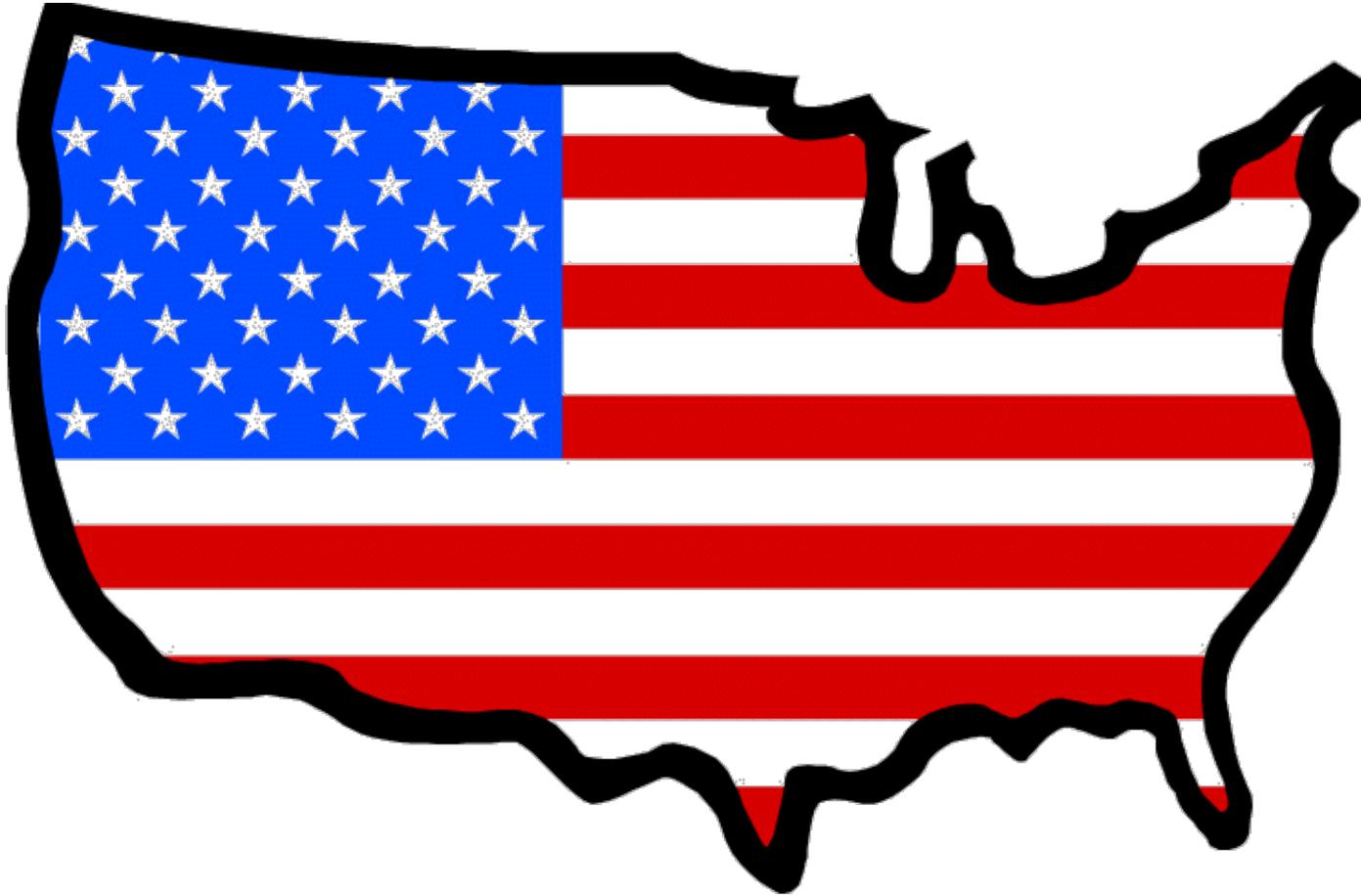
# Danny Scalise

WV State Medical Association

# Health & the Bottom Line

**Danny F. Scalise II, MBA, MPH, CPH, FACHE**



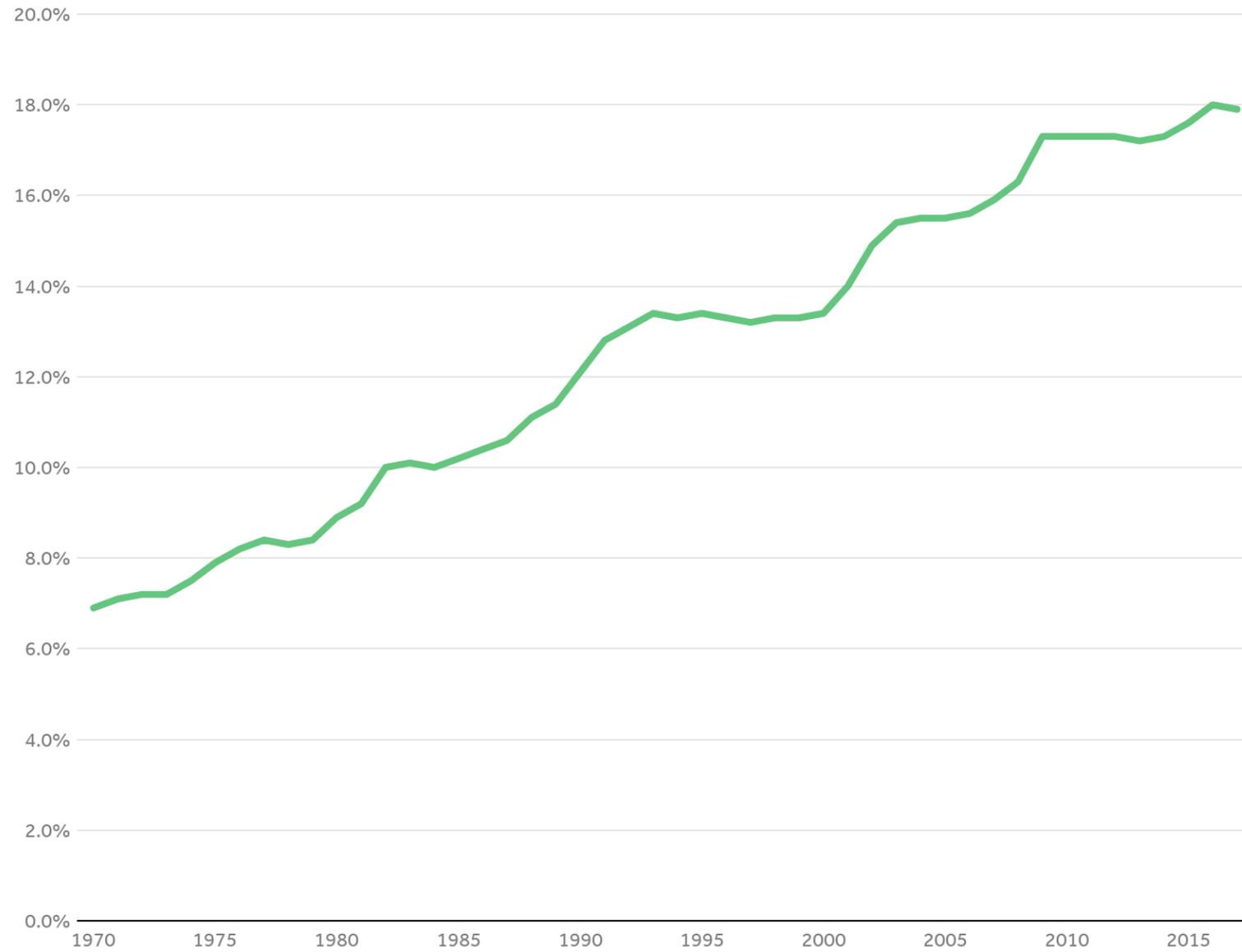


## American Healthcare Spending



# Health Insurance Third Party Payers

## Total national health expenditures as a percent of Gross Domestic Product, 1970-2017



Source: [KFF analysis of National Health Expenditure \(NHE\) data](#) • [Get the data](#) • [PNG](#)

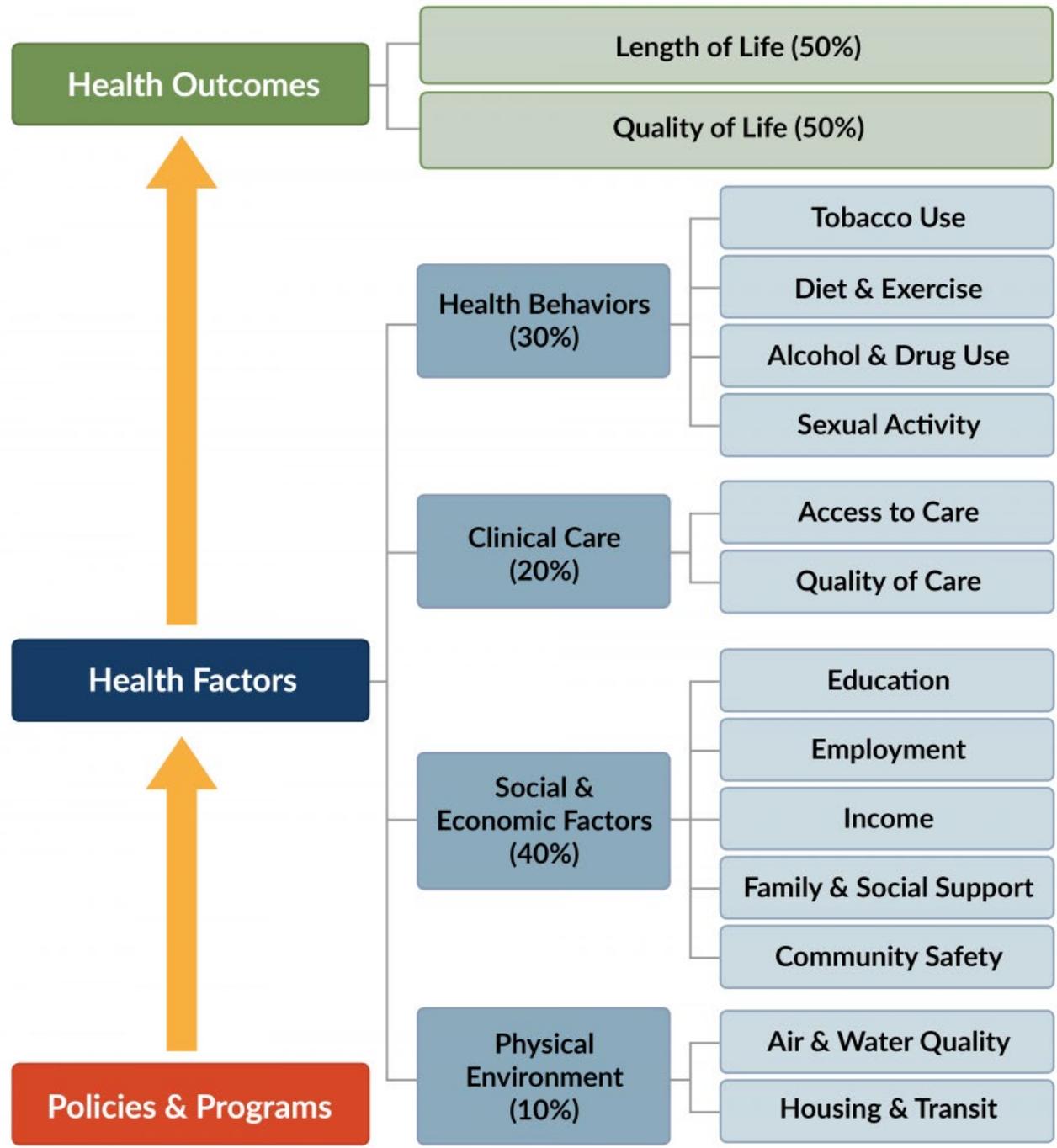
**20 CANDIDATES QUALIFY FOR THE  
CNN | DEMOCRATIC PRESIDENTIAL DEBATES**

 MICHAEL BENNET	 JOE BIDEN	 CORY BOOKER	 STEVE BULLOCK	 PETE BUTTIGIEG	 JULIAN CASTRO	 BILL DE BLASIO	 JOHN DELANEY	 TULSI GABBARD	 KIRSTEN GILLIBRAND
 KAMALA HARRIS	 JOHN MICKENLOOPER	 JAY INSLEE	 AMY KLOBUCHAR	 BETO O'ROURKE	 TIM RYAN	 BERNIE SANDERS	 ELIZABETH WARREN	 MARIANNE WILLIAMSON	 ANDREW YANG

**JULY 30 & JULY 31 8<sup>P</sup> ET**



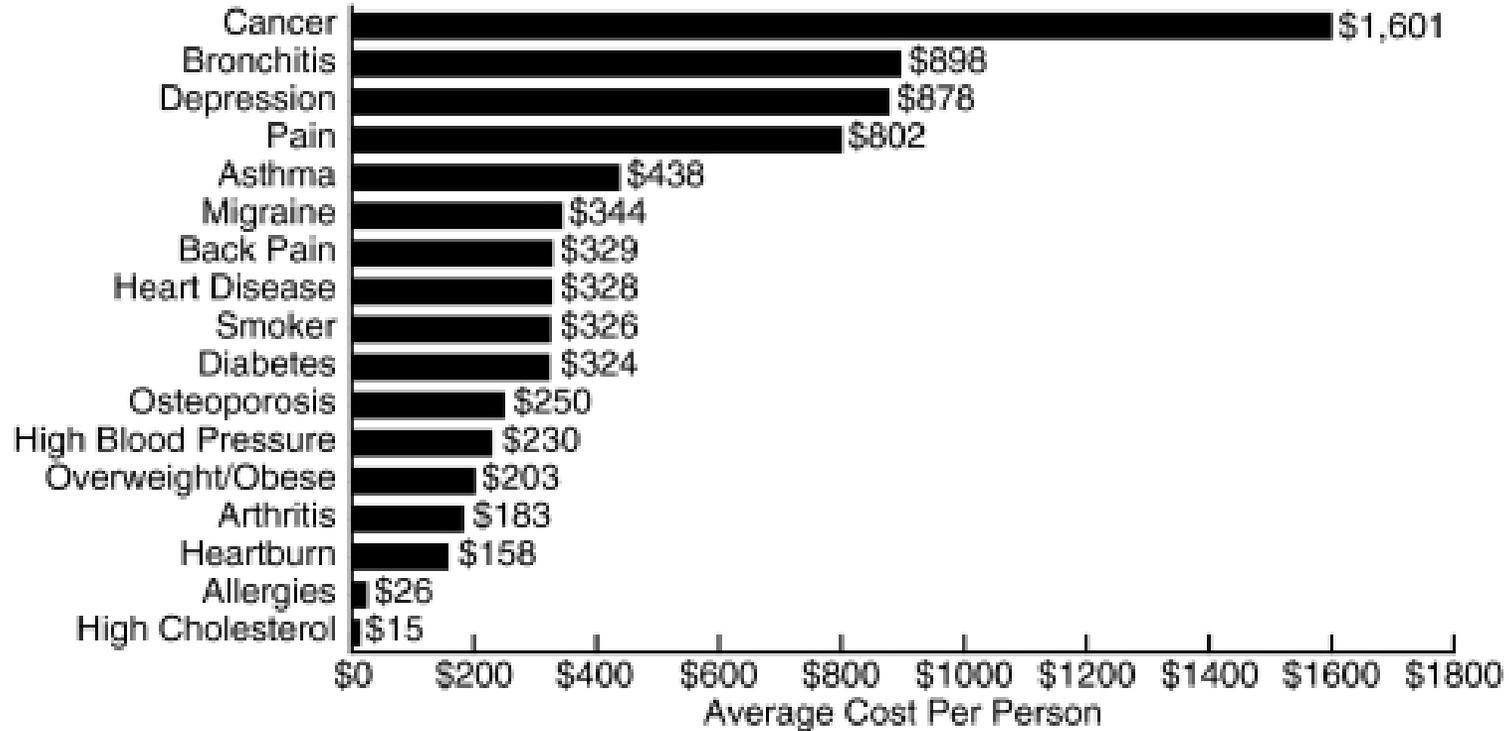




# **How does this affect your worksite?**

**\$2.9 billion in direct cost**  
**\$3.2 billion in lost productivity**  
**\$5,800**

### Health Conditions by Annual Productivity Cost Per Person



**\*Source Population Health  
Management RJ Mitchell and  
P Bates**

# **Smokers Cause These**

**Higher life insurance premiums**

**Increased absenteeism**

**More time on smoke breaks**

**Greater risk of occupational injuries**

**More disability claimed**

**Increased cleaning and maintenance**

**More disciplinary actions**

**How does this affect you?**

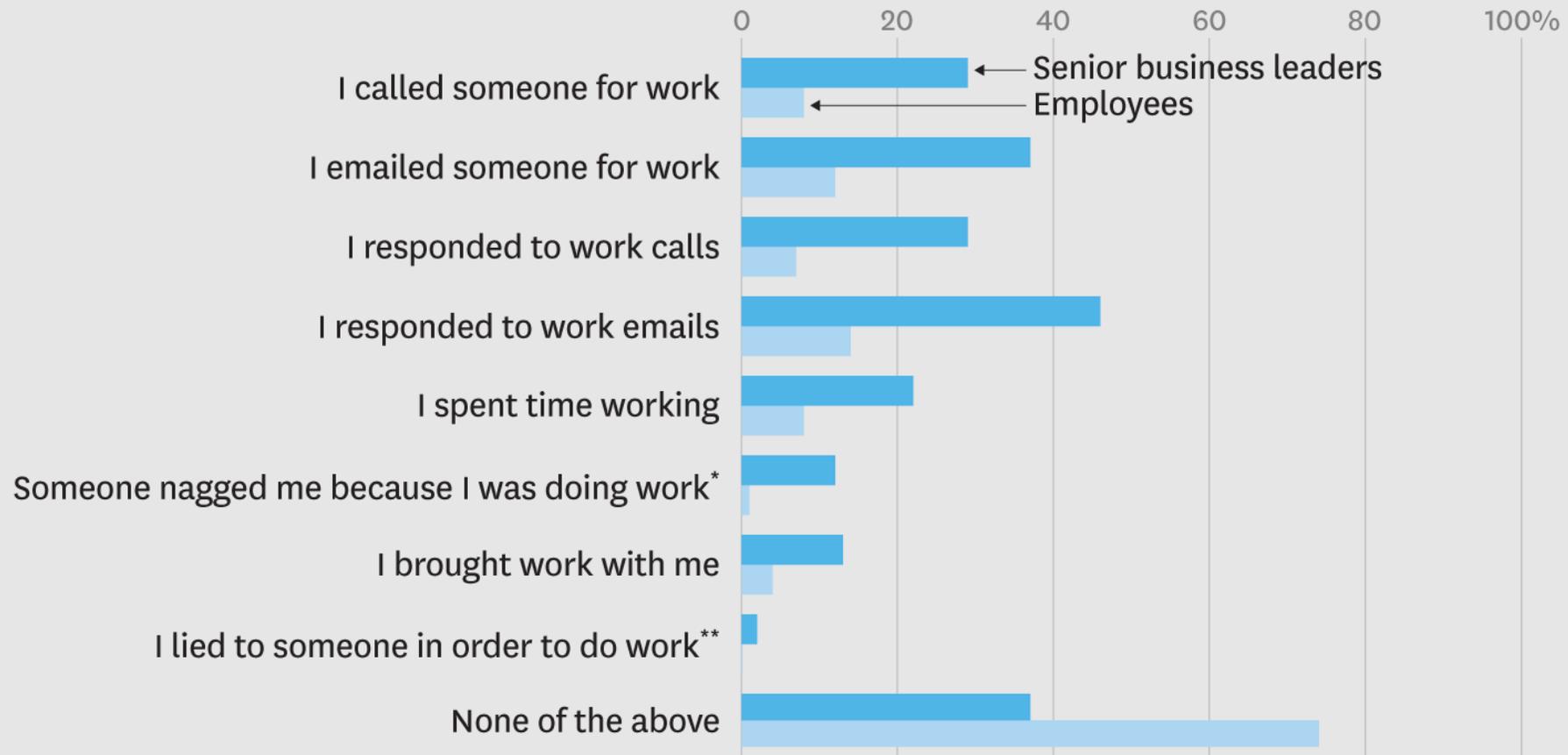
**Do you take a vacation?**

**Do you experience symptoms of burnout?**

**Death by 1000 cuts**

# Senior Managers Struggle More with Taking Time Off

PERCENTAGE OF RESPONDENTS WHO REPORTED THE FOLLOWING DURING TIME OFF



\*SOMEONE I WAS WITH DURING THE TIME OFF, SUCH AS A SPOUSE/SIGNIFICANT OTHER, NAGGED ME BECAUSE I WAS DOING WORK.

\*\*I LIED TO SOMEONE I WAS WITH, SUCH AS A SPOUSE/SIGNIFICANT OTHER, IN ORDER TO DO WORK WITHOUT THAT PERSON KNOWING.

SOURCE "PROJECT: TIME OFF, OVERWHELMED AMERICA," 2014

FROM "THE RIPPLE EFFECTS OF PARENTS NOT USING THEIR VACATION TIME," BY SARAH GREEN CARMICHAEL, OCTOBER 2015 © HBR.ORG

# **To Do List**

**Be a part of a public health solution**

**Have a workplace wellness program**

**Do classes for your employees on how to eat well and live well**

**Take a vacation**

[dannyscalise.com](http://dannyscalise.com)





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# Jordan Stoick

National Association of Manufacturing



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# Bill Bissett

Huntington Regional  
Chamber of Commerce

# Rebecca McPhail

WV Manufacturers Association

# ***Environmental Activism in West Virginia***

**Dr. Bill Bissett, President & CEO**

**Huntington Regional Chamber**

**304/525-5131**

**[bill@huntingtonchamber.org](mailto:bill@huntingtonchamber.org) @BillBissett**

# Huntington Regional Chamber

- **550 + Businesses in Cabell & Wayne Counties.**
- **Originated in 1891.**
- **One of the four founding Chambers of the United States Chamber of Commerce.**



# Politics in West Virginia Today?



# ***West Virginia – December 6, 2019***

- **U.S. Senator Joe Manchin (D)**
- **U.S. Senator Shelley Moore Capito (R)**
- **Congressman David McKinley (R)**
- **Congressman Alex Mooney (R)**
- **Congressman Evan Jenkins (R)**
- **Governor Jim Justice (Was D, Now R)**
- **Board of Public Works – 4 GOP / 1 Dem**
- **WV Supreme Court – 3 GOP / 2 Dems \***
- **Sen. Pres. Carmichael & Speaker Hanshaw (R)**

# ***A More Divided Political Landscape***

- **Urban / Rural Divide**
- **Increased Acrimony**
- **Campaign Spending Increasing Wildly**
- **The Decreasing Relevance of Political Parties**
- **“Single Issue Voters” Seem To Be Growing**

**Speaker of the House Tip O'Neill**

***“After 5pm,  
we’re all  
friends.”***

**“After 5PM, We’re All Friends.”**

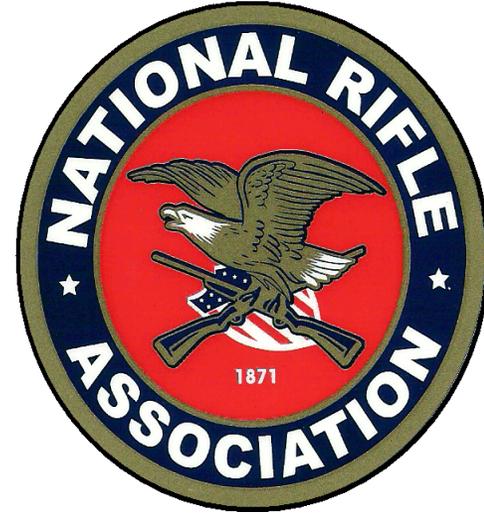
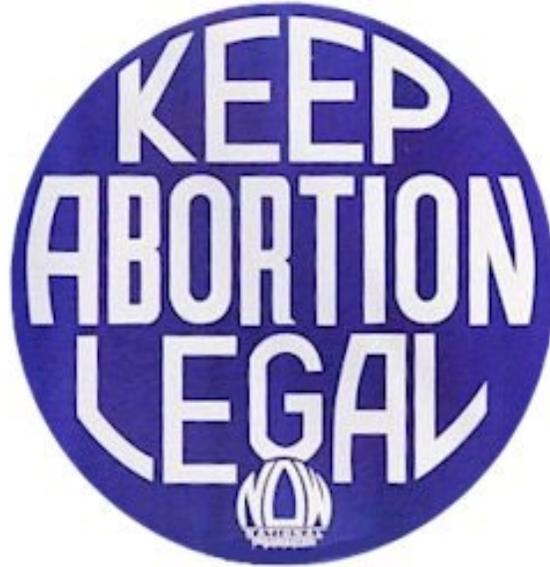


# The Waning Roll of WV's Political Parties



# **WV Political Parties?**

- **National Democrats vs. West Virginia Democrats?**
- **Split in GOP – Pro-Business vs. Christian Right vs. Tea Party**
- **More Independent Expenditures and Issue Groups with Larger Budgets & Influence**



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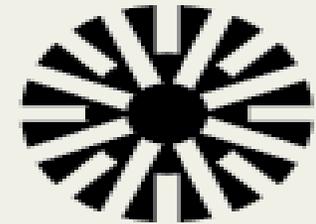
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PROSPERITY**<sup>®</sup>

# Environmentalism in the United States?



<https://www.pewresearch.org>

Pew Research Center



# U.S. Public Views on Climate and Energy

*Democrats mostly agree the federal government should do more on climate, while Republicans differ by ideology, age and gender*

BY **CARY FUNK** AND **MEG HEFFERON**



---

## Support for expanding coal mining is down from 2016

*% of U.S. adults who favor more coal mining*

	<b>2016</b>	<b>2018</b>	<b>2019</b>
U.S. adults	41	37	35
Rep/lean Rep	63	60	56
Dem/lean Dem	22	20	16

Note: Respondents who gave other responses or who did not give an answer are not shown.

Source: Survey conducted Oct. 1-13, 2019.

“U.S. Public Views on Climate and Energy”

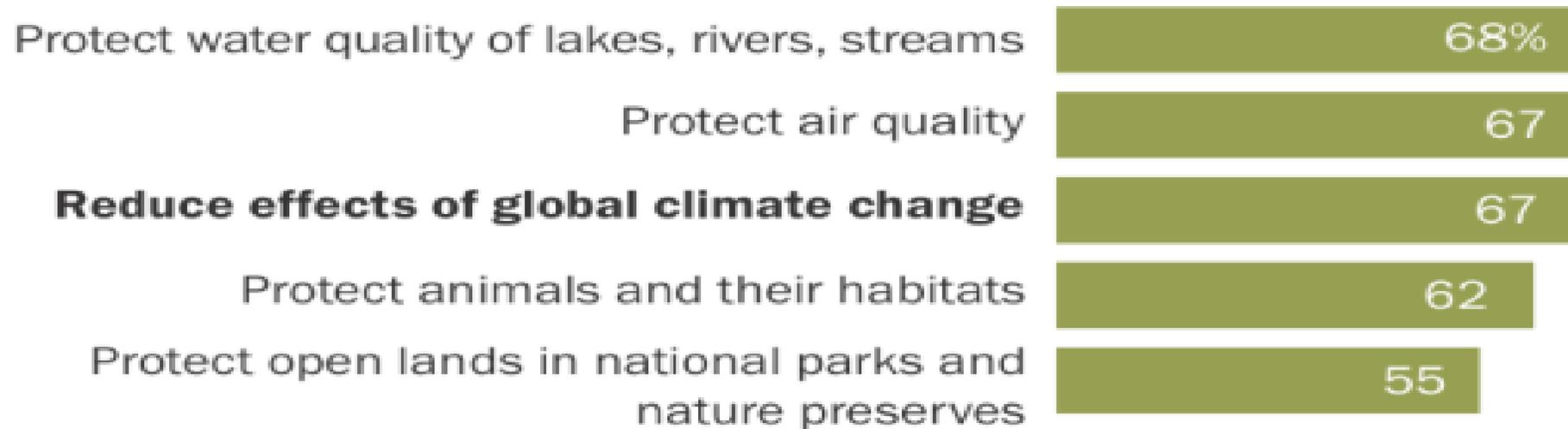
**PEW RESEARCH CENTER**

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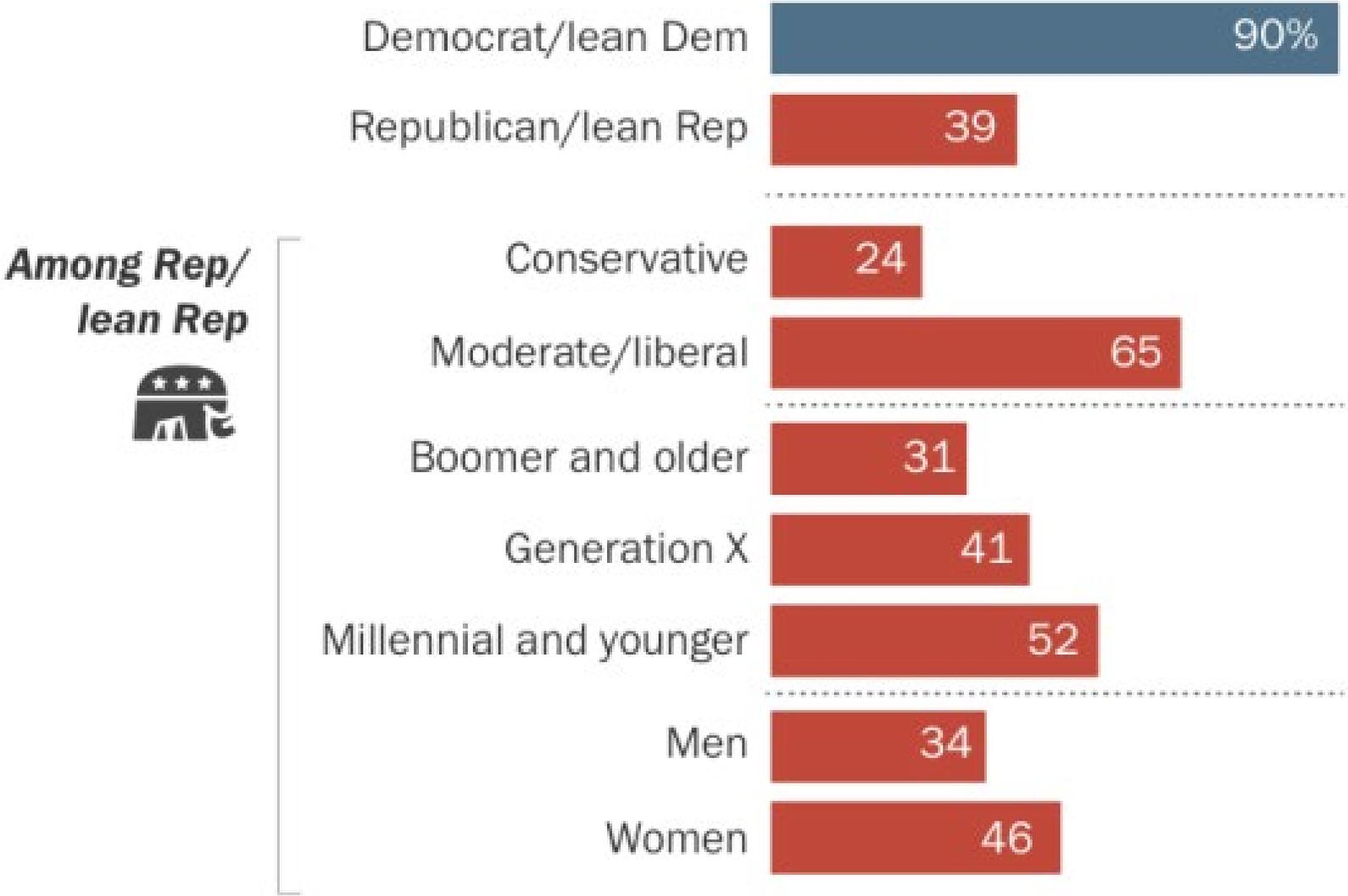
# What Pew Found

## Majorities of Americans say the federal government is not doing enough to protect the climate, environment

*% of U.S. adults who think the federal government is doing too little to ...*

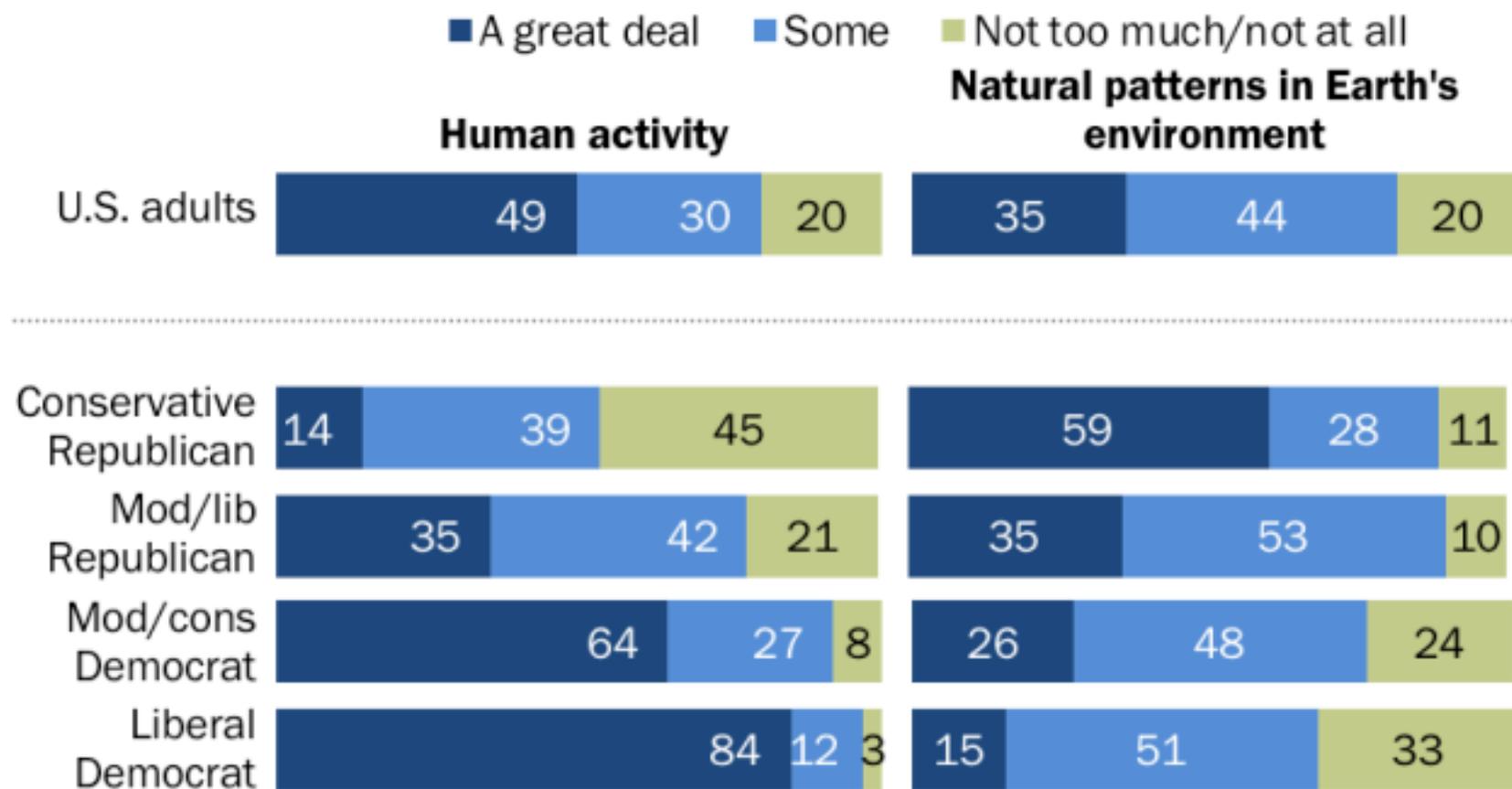


*% of U.S. adults who think the federal government is doing too little to reduce the effects of climate change*



## More than eight-in-ten liberal Democrats say human activity contributes a great deal to climate change

*% of U.S. adults who say each of the following contributes to global climate change ...*



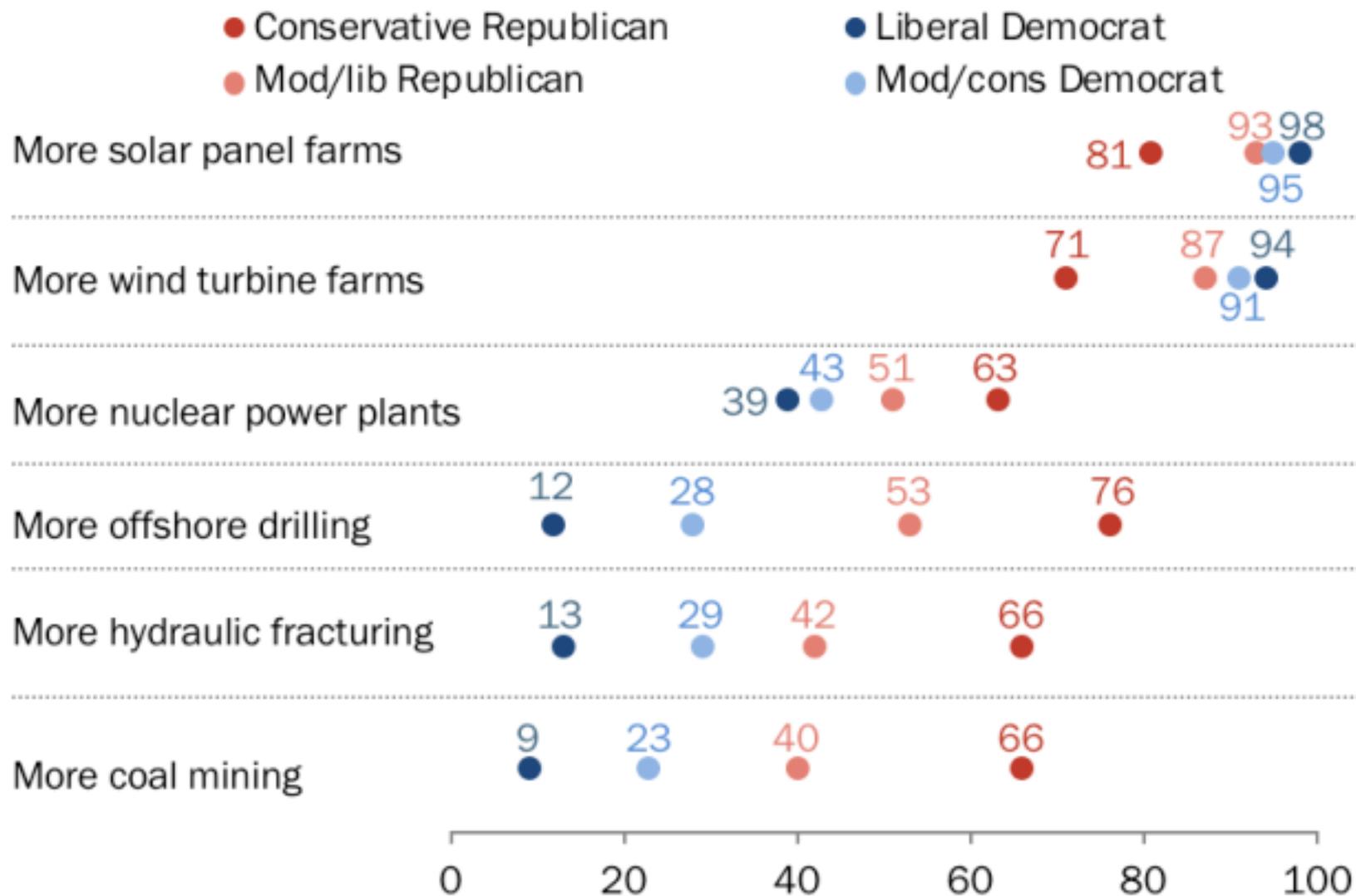
## Republicans, young and old, tend to be skeptical about effects of climate policy on the economy

*% of U.S. adults who say policies to reduce the effects of climate change generally do the following*

	<i>Effect on the environment</i>			<i>Effect on U.S. economy</i>		
	More good than harm	Make no difference	More harm than good	Help	Make no difference	Hurt
U.S. adults	54	29	15	33	35	30
Dem/lean Dem	71	17	10	47	38	13
Rep/lean Rep	34	43	22	15	31	52
<i>Among Republicans/ lean Rep</i>						
Boomer & older	29	47	22	12	31	54
Gen X	36	39	24	14	29	55
Millennial & younger	40	39	19	21	32	46
Men	31	45	23	13	23	63
Women	37	41	20	18	40	39

# Conservative Republicans and liberal Democrats at odds over expanding fossil fuels

*% of U.S. adults who say they favor expanding each energy source*



# The Activist Strategy

# The Activist Strategy

- “Corporations” Versus “Citizens”
- Emotion Over Information
- Don’t Follow The Money (Economics)
- Better Visuals / Optics
- More Nimble / Aggressive Media Engagement
- The End Justifies The Means (in most cases)



# 2020 General Election



***“If you thought  
2018 was crazy,  
wait until you see  
2020!”***



# 2020 Presidential Race

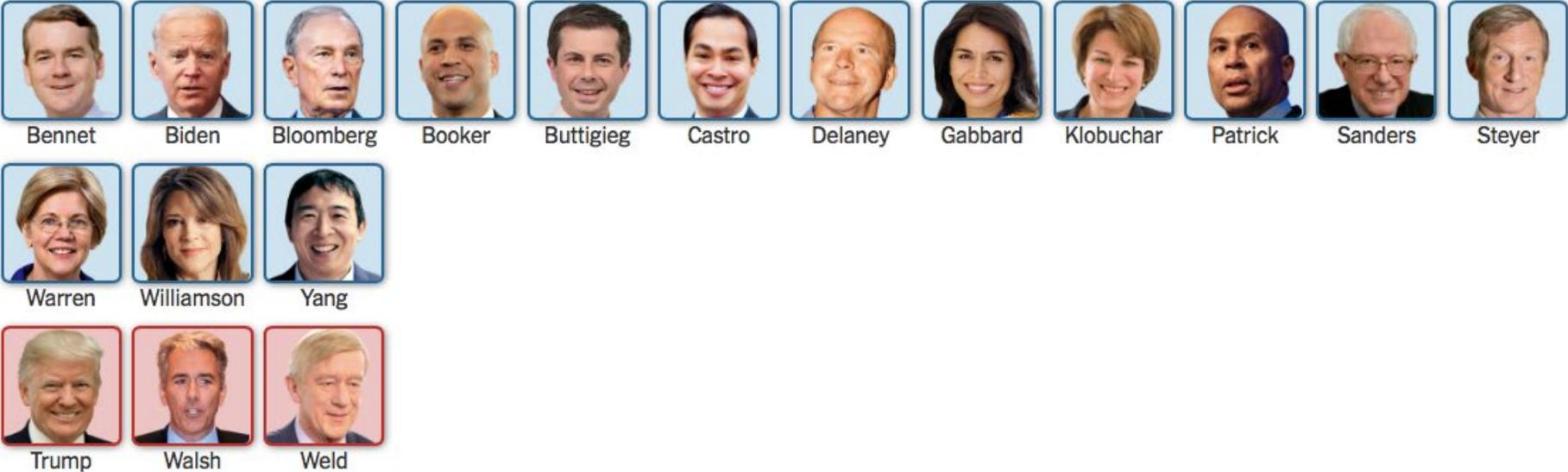


# 2020 Presidential Race

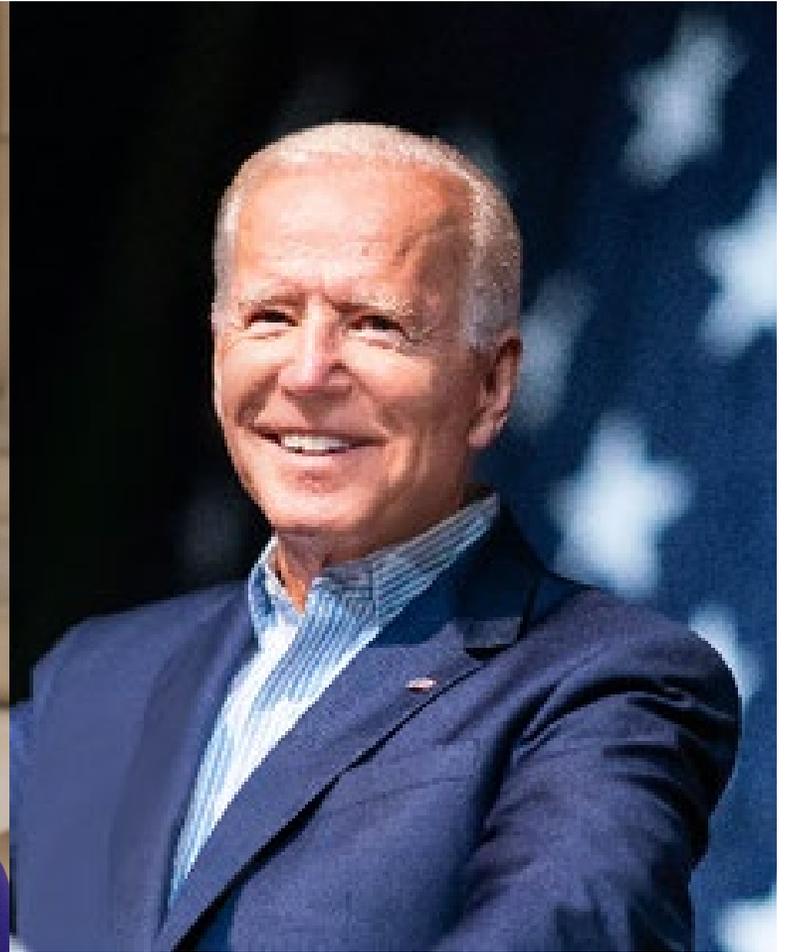
## Who's Running for President in 2020?

By [Alexander Burns](#), [Matt Flegenheimer](#), [Jasmine C. Lee](#), [Lisa Lerer](#) and [Jonathan Martin](#) Updated Dec. 3, 2019

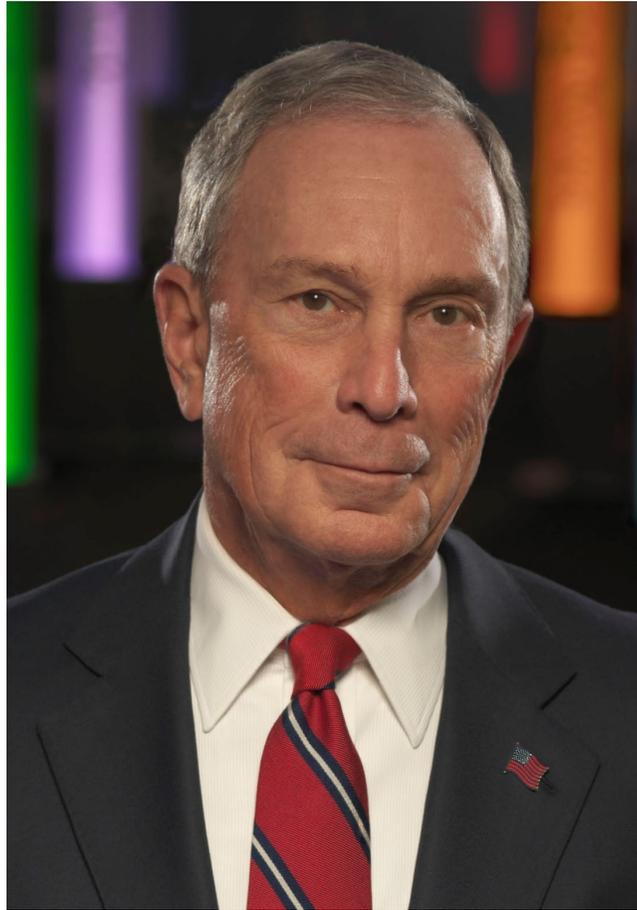
**Running**  
15 Democrats  
3 Republicans



# 2020 Democratic Challengers



# 2020 Democratic Challengers



***“There’s two important things in politics. Money and it doesn’t matter what the other thing is.”***

# Down Ticket Impact

# 2020 WV Gubernatorial Candidate Stephen Smith (D)





## Why I'm Running

 WV CAN'T WAIT · TUESDAY, NOVEMBER 27, 2018 

You can feel it. This is a moment. Every 50 years or so, the nation turns to West Virginia for leadership. The American revolution started here. The Civil War, the Mine Wars, the Teachers' Strike - it is in our blood to fight for our people, no matter their race, their accent, or who their father was.

# Stephen Smith – Why I’m Running

- *“The idea of this campaign is simple: what if the values of generosity and service that guided our neighborhoods also governed our statehouse? What if our state’s four billion dollar budget were accountable to working families, instead of Wall Street interests?”*

# Environmental Activism in West Virginia



# Man straps self to machine to protest West Virginia pipeline

November 21, 2018

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## RELATED TOPICS

[Arrests](#)

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[Mountains](#)

LINDSIDE, W.Va. (AP) — Authorities have arrested a protester who strapped himself to construction equipment at a Mountain Valley Pipeline site in West Virginia.

News outlets report state police haven't released details about the Monday arrest at the Lindside site. The man was strapped that morning to the equipment roughly 20 feet above the ground with a sign that said "No pipelines on stolen land."

Authorities arrested him by late that afternoon. A group of protesters also gathered in a nearby parking lot with signs asking to stop the pipeline.

The Mountain Valley Pipeline is a 300-mile (483-kilometer) natural gas pipeline that is being constructed in West Virginia and Virginia and has used eminent domain to acquire project space.

Pipeline developers recently submitted an application to extend pipeline into North Carolina.



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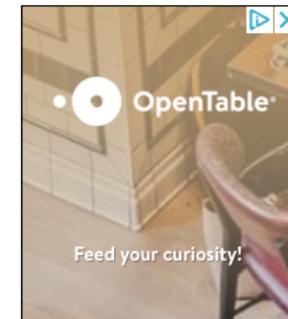
National

# Man straps self to machine to protest West Virginia pipeline

By **Associated Press**

November 21

LINDSIDE, W.Va. — Authorities have arrested a protester who strapped himself to construction equipment at a Mountain Valley Pipeline site in West Virginia.



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TOP STORY

## Police investigate threats against Rockwool

Christine Snyder Nov 14, 2018  0



RANSON – Ranson Police Chief William Roper says his office is investigating multiple threats made against Rockwool, the Danish stonewool insulation manufacturer completing site preparation at the former Jefferson Orchards.

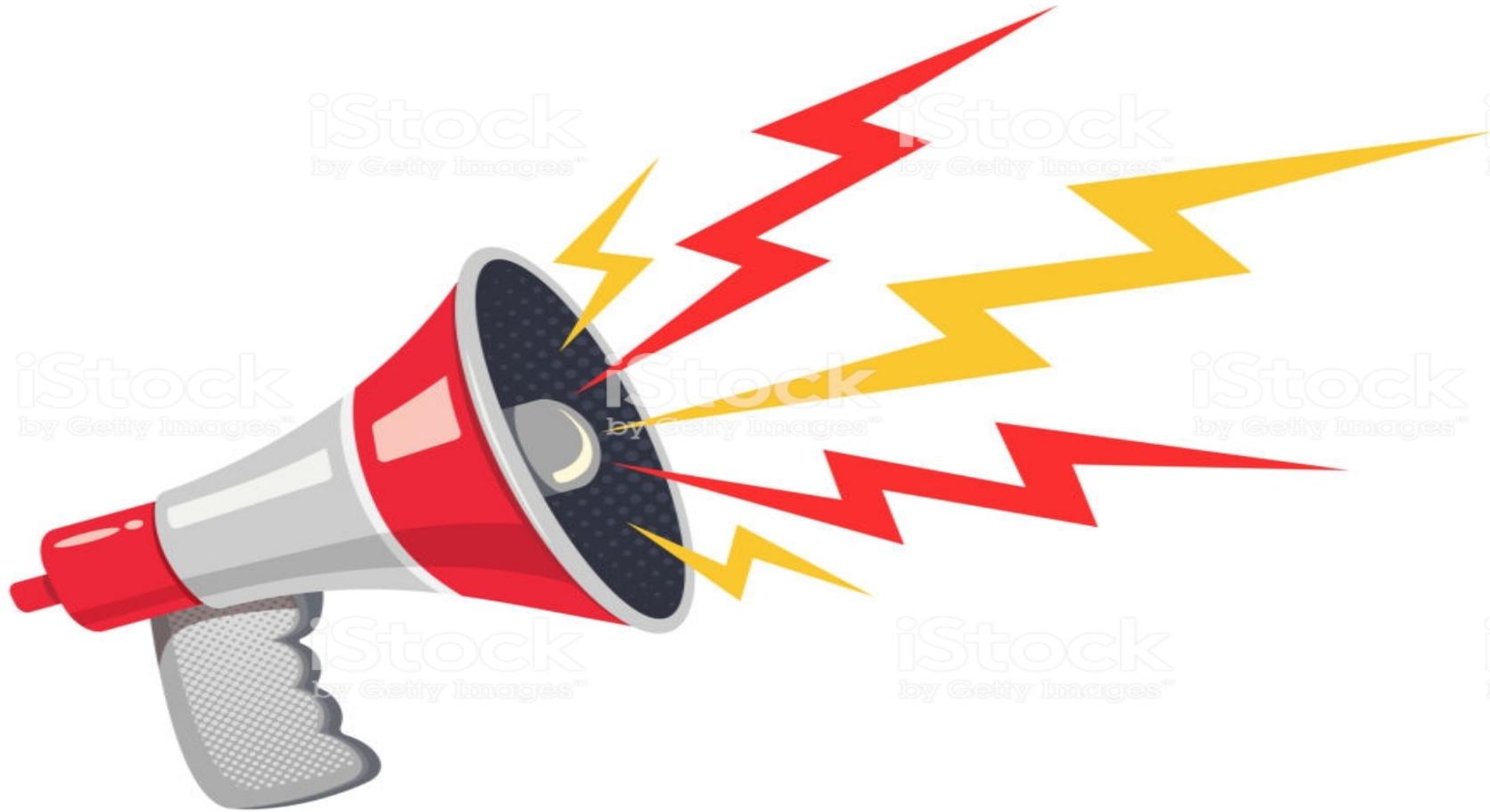
Though he said he could not go into detail about active



# **Responding To Activism**

- **Commitment to External & Internal Communication**

# External & Internal Communication



# Responding To Activism

- Commitment to External & Internal Communication
- **Transparency Whenever & Wherever Possible**

# Transparency



# Responding To Activism

- Commitment to External & Internal Communication
- Transparency Whenever & Wherever Possible
- **Promote Your Altruism & Economic Impact**

# Altruism & Economic Impact



# Responding To Activism

- Commitment to External & Internal Communication
- Transparency Whenever & Wherever Possible
- Promote Your Altruism & Economic Impact
- **Engage Elected Leaders at All Levels**

# Engage Elected Leaders



# Responding To Activism

- Commitment to External & Internal Communication
- Transparency Whenever & Wherever Possible
- Promote Your Altruism & Economic Impact
- Engage Elected Leaders at All Levels
- **Maintain Relationships With Third Party Advocates**

# Third Party Advocates



# Responding To Activism

- Commitment to External & Internal Communication
- Transparency Whenever & Wherever Possible
- Promote Your Altruism & Economic Impact
- Engage Elected Leaders at All Levels
- Maintain Relationships With Third Party Advocates
- **Do Good Work But Be Ready For Crisis**

# Be Prepared



# ***Environmental Activism in West Virginia***

**Dr. Bill Bissett, President & CEO**

**Huntington Regional Chamber**

**304/525-5131**

**[bill@huntingtonchamber.org](mailto:bill@huntingtonchamber.org) @BillBissett**



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**Lisa Sherrill**

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**Matt Porter**  
Ziegenfelder Corp.



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# Ritchie Heath

Bowles Rice LLP

# Pamela Farrell

Bowles Rice LLP

# In the Weeds:

Navigating the West Virginia Medical Cannabis Act's  
Snags, Delays, and Other Issues Facing  
West Virginia Manufacturers

**Richard R. Heath, Jr., Esq.**

**Pamela J. Ferrell, Esq.**

December 6, 2019



# Medical Cannabis Act Overview

- ▶ WV Medical Cannabis – W.Va. Code Chapter 16A
  - ▶ Program established for patients suffering from “serious medical conditions”
  - ▶ July 1, 2019 “launch date”
  - ▶ Permits allowed for up to 10 growers, 10 processors and 100 dispensaries
  - ▶ May only be dispensed to patients certified by a practitioner and with a valid identification card
  - ▶ Limited to West Virginia residents
  - ▶ No dry leaf or smoking
  - ▶ *Still against federal law!*





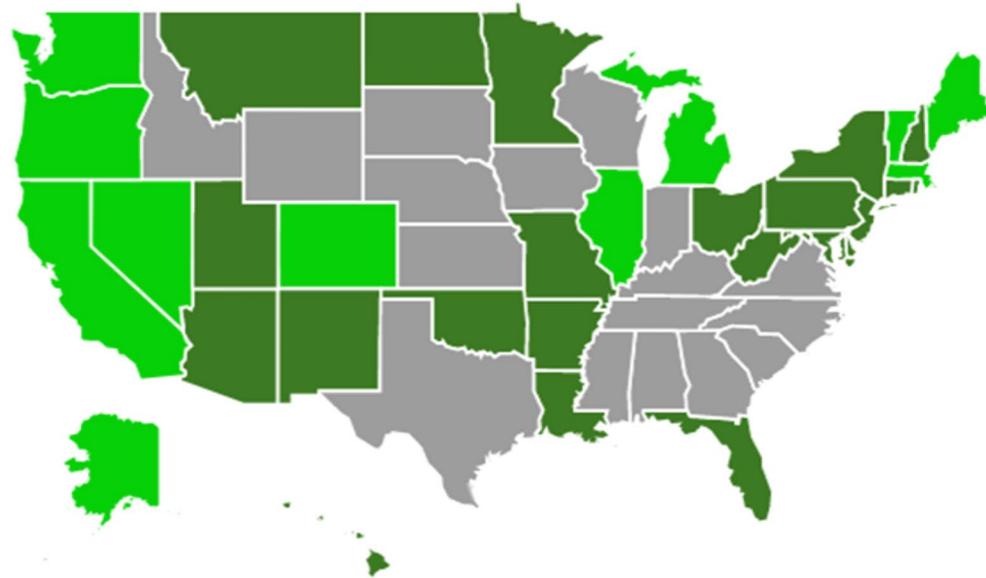
# Serious Medical Conditions

<b>Cancer</b>	<b>Epilepsy</b>
Lou Gehrig's disease	<b>Neuropathies</b>
HIV/AIDS positive	Huntington's disease
Amyotrophic lateral sclerosis	Forms of spinal cord damage
Multiple sclerosis	Crohn's disease
<b>PTSD</b>	<b>Forms of chronic pain</b>
Seizures	Parkinson's disease
Sickle cell anemia	Terminal illness*



# Legalization Status

*Information is current as of June 25, 2019.*



## **Marijuana Legalization Status**

- Medical marijuana broadly legalized
- Marijuana legalized for recreational use
- No broad laws legalizing marijuana

Source: <https://www.governing.com/gov-data/safety-justice/state-marijuana-laws-map-medical-recreational.html>



# Timeline of Implementation

- ▶ “Live” date – July 1, 2019
- ▶ Applications for Permits – Dec. 19, 2019-Feb. 18, 2020
- ▶ Permits Awarded – Approx. 90 days after close of application period
- ▶ Six-month period for permittees to reach operation
- ▶ Four-month growing process
- ▶ Product available sometime in 2021?





# Legal & Regulatory Status

- ▶ W.Va. Code §§ 16A-1-1 thru 16A-16-1
  - ▶ Statutory provisions in full-effect, with no changes expected for 2020 Legislative Session
- ▶ Legislative Rules
  - ▶ Emergency Rules currently in effect
  - ▶ Legislative rules for growers, processors, laboratories and dispensaries up for amendment and approval during 2020 Legislative Session.
- ▶ Issues with U.S. Attorney
  - ▶ U.S. Attorney Mike Stuart continues to scrutinize state's medical cannabis program
  - ▶ WV State Treasurer's Office recently hired outside counsel to assist with handling of banking services
  - ▶ Political struggles continue over the interplay between state and federal cannabis laws



# Hemp vs. Cannabis?





# Key Differences of Industrial Hemp

- ▶ W.Va. Industrial Hemp Act (W.Va. Code 19-12E-1) regulated by Department of Agriculture
- ▶ Industrial hemp = less than 0.3% THC concentration
- ▶ Legal under *BOTH federal and state law*
- ▶ Transportation across state lines *is permitted*
- ▶ Much less regulated than medical cannabis
  - ▶ Permits - unlimited
  - ▶ Legislative Rules – 29 pages combined
- ▶ Industrial hemp currently being grown in W.Va.



# An Employer's Worry





# West Virginia Medical Cannabis Act

**An employer may not...**

- **Discriminate against an employee based on their certification to use medical cannabis**



# West Virginia Medical Cannabis Act

## A patient may not...

- **Manage certain chemicals**
- **Operate public utilities**
- **Operate vehicles or heavy machinery**
- **Work in mines**
- **Perform “life-threatening” tasks**
- **Pose a risk to public safety**

*...while under the influence with a blood content of more than 3 nanograms of active tetrahydrocannabinis per milliliter of blood in serum*



What does "life-threatening" mean?



What does it mean to “pose a risk to public health or safety?”





Employer Actions regarding  
Medical Cannabis Patient

*Accommodations?*

*Poor performance?*

*Under the influence?*





# Interpretation # 1

- ▶ The MCA does not limit an employer's ability to discipline an employee for:
  - ▶ Being under the influence of medical cannabis in the workplace or
  - ▶ For working while under the influence of medical cannabis
- ▶ When the employee's conduct falls below the standard of care normally accepted for that position.





## Interpretation # 2

- ▶ The MCA does not limit an employer's ability to discipline an employee for
- ▶ Being under the influence of medical cannabis in the workplace or
- ▶ For working while under the influence of medical cannabis when the employee's conduct falls below the standard of care normally accepted for that position.

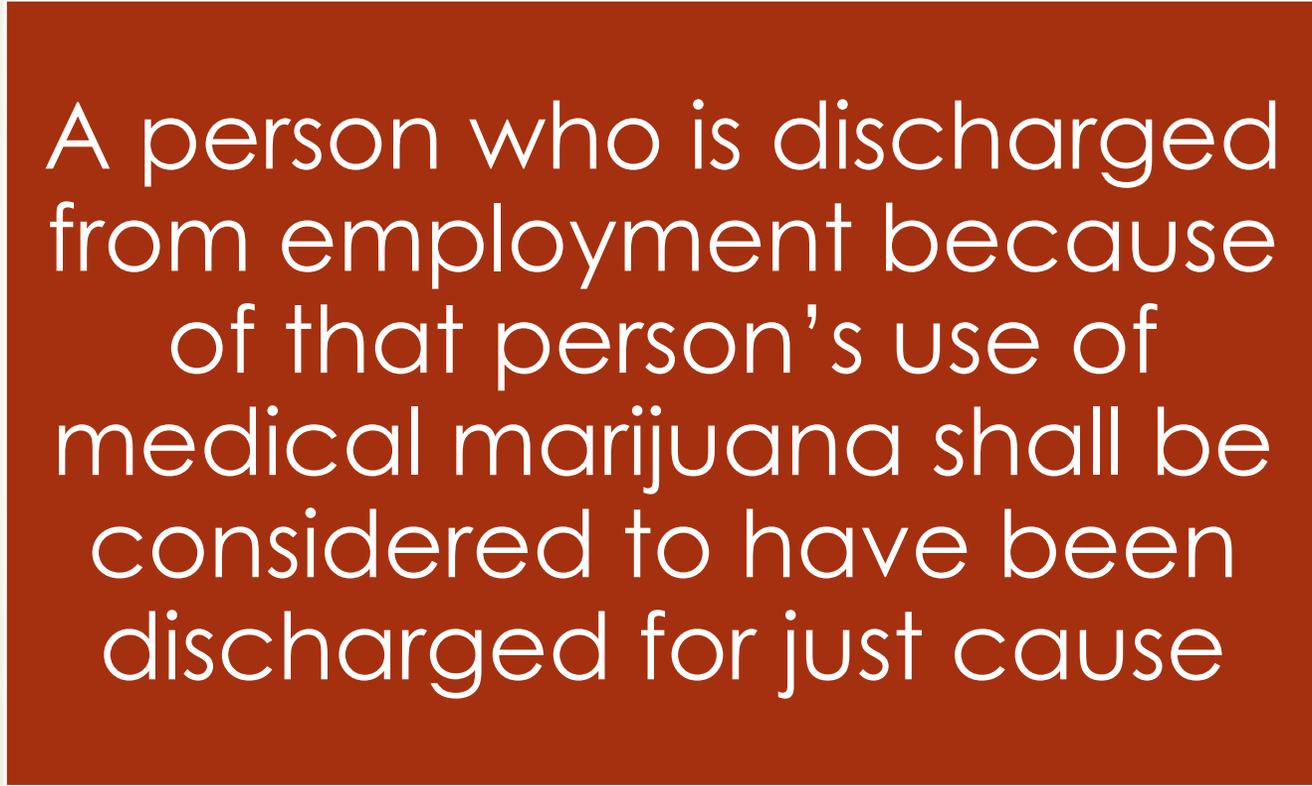


Which interpretation prevails?



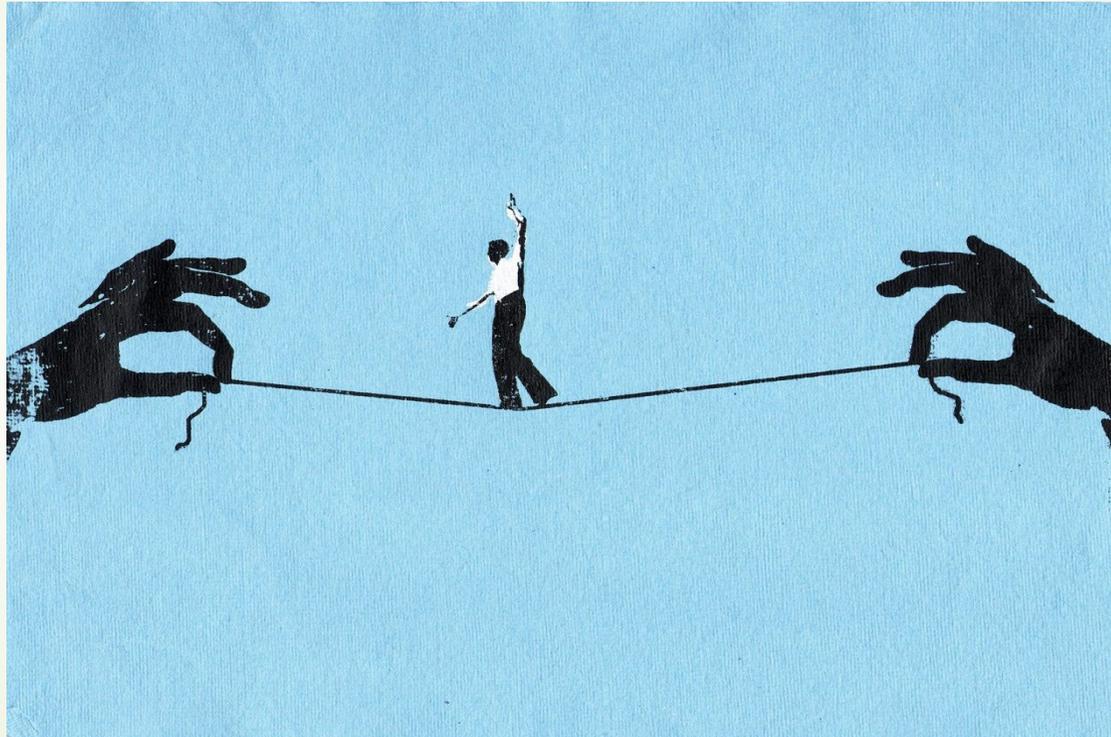


## Compare to Ohio's law



A person who is discharged from employment because of that person's use of medical marijuana shall be considered to have been discharged for just cause

# Summary of Employer Related Provisions





Questions?



**Bowles Rice** LLP  
ATTORNEYS AT LAW

[rheath@bowlesrice.com](mailto:rheath@bowlesrice.com)

[pferrell@bowlesrice.com](mailto:pferrell@bowlesrice.com)



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# Final Remarks

# SAVE THE DATE

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*Thank you!*



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