

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 699

By Senator Woodrum

[Introduced March 5, 2025; referred
to the Committee on Energy, Industry, and Mining;
and then to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §22-37-1, §22-37-2, §22-37-3, and §22-37-4, relating to protecting the environment and humans from geoengineering experiments; providing definitions; and listing penalties for violations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 37. PROHIBITION ON ATMOSPHERIC GEOENGINEERING.

§22-37-1. Legislative findings.

The Legislature finds that:

(1) Atmospheric polluting activities involving the intentional release of polluting emissions, including weather modification, stratospheric aerosol injection, solar radiation modification, and other forms of geoengineering:

(A) Endanger human health and safety and the environment;

(B) Threaten air, water, soil, and wildlife resources;

(C) Disrupt agricultural operations; and

(D) Potentially interfere with aviation, state security, and the economy of the state;

(2) Pursuant to the Tenth Amendment of the Constitution of the United States and the inherent right for West Virginia citizens to engage in thoughtful deliberation and determine public policy by voting, the citizens of the state do not consent to any unconstitutional actions or efforts made by the federal government or international bodies that intentionally release polluting emissions into the state's atmosphere, through geoengineering, cloud seeding, weather modification, or any other means; and

(3) To preserve the safe and healthful uses of the state's atmosphere for its people, environment, and agriculture, and to improve beneficial climate efforts, it is necessary to prohibit geoengineering and to provide for enforcement and penalties for violative activities.

§22-37-2. Definitions.

As used in this article:

2 (1) "Aerosol injection" means the release of reflective sulfate or other aerosol particles in
3 the stratosphere by high altitude planes, tethered balloons, high altitude blimps, artillery, or other
4 means;

5 (2) "Artificial intelligence" or "AI" means systems or machines that mimic human
6 intelligence to perform tasks and that can iteratively improve themselves based on the information
7 they collect;

8 (3) (A) "Atmospheric contaminant" means any type of aerosol, biological, nonbiological, or
9 hazardous agent, chaff, genetically modified agent, metal, radioactive material, vapor,
10 electromagnetic radiation or field, mechanical vibration, particulate of any size, or any air pollutant
11 regulated by the state, and any combination thereof.

12 (B) "Atmospheric contaminant" does not include any engine exhaust from an aircraft using
13 unadulterated certified aviation fuel;

14 (4) "Atmospheric polluting activity" means any deliberate release of an atmospheric
15 contaminant by any human, or by artificial intelligence, or any combination thereof, that occurs in
16 the atmosphere and that may have harmful consequences on human health, the environment, or
17 agriculture;

18 (5) "Chaff" means aluminum-coated silica glass fibers, typically dispersed in bundles
19 containing millions of inhalable fibers, which break apart and fall to the ground;

20 (6) "Cloud seeding" means a type of weather modification that involves the deliberate
21 introduction of various substances into a cloud in order to induce or increase precipitation from the
22 cloud;

23 (7) "Commissioner" means the commissioner of the Department for Environmental
24 Protection;

25 (8) "Department" means the Department for Environmental Protection;

26 (9) "Entity" means any individual, trust, firm, joint stock company, corporation, quasi-
27 governmental corporation, nongovernmental organization, partnership, association, syndicate,

club, college, university, any agency, subdivision, or instrumentality of federal, state, or local government, or any interstate or international governance body;

(10) "Geoengineering" means the intentional manipulation of the environment, through an atmospheric polluting activity, to effect changes to the earth's atmosphere or surface, including but not limited to the practices of weather modification, aerosol injection, and cloud seeding;

(11) "Hazardous" means a substance or physical agent that by its nature is harmful to living organisms, property, or any other valuable interest;

(12) "Individual" means a natural person;

(13) "Maser" means a device using the stimulated emission of radiation by excited atoms to amplify or generate radiation in the microwave range;

(14) "Person" means an individual, business association, financial organization, estate, trust, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(15) "Physical agent" means a source of energy that may cause injury through excessive exposure, including but not limited to radiofrequency, microwave, and other electromagnetic radiation and fields, barometric pressure, temperature, gravity, mechanical vibration, and sound;

(16) "Release" means any activity that results in the issuance of atmospheric contaminants such as the emitting, transmitting, discharging, or injecting of one or more nuclear, biological, chemical, or physical agents into the ambient atmosphere, whether once, intermittently, or continuously;

(17) "Solar radiation modification" means any attempt to reduce global temperatures by reflecting more sunlight into space or allowing more infrared radiation from earth to escape than would naturally occur; and

(18) "Weather modification" means the changing, controlling, or interfering with or attempting to change, control, or interfere with the natural development of cloud forms, precipitation, barometric pressure, temperature, conductivity or other electromagnetic or sonic

54 characteristics of the atmosphere.

§22-37-3. Prohibitions on geoengineering activities.

1 (a) No entity shall engage in any form of geoengineering activities within or over the state
2 of West Virginia. The commissioner shall investigate any credible reports of geoengineering
3 occurring in the state received under this article, and shall issue an order to any entity that he or
4 she finds is engaging in geoengineering to immediately cease all geoengineering activities. Upon
5 issuing the order, the commissioner shall pursue the imposition of all penalties for engaging in
6 geoengineering authorized under this article and the administrative regulations promulgated
7 hereunder.

8 (b) If any activity that the department has deemed to be geoengineering has been
9 approved, explicitly or implicitly, by the federal government, the department shall issue a notice to
10 the appropriate federal agency that the geoengineering activity cannot lawfully be carried out
11 within or over the state.

12 (c) If the department finds that a foreign state or international body funds, in part or in
13 whole, or engages in any geoengineering activity, the department shall prohibit it from engaging in
14 any atmospheric activities in or above the state. The department shall also provide notice to the
15 foreign state or international body that the geoengineering activity cannot lawfully be carried out
16 within or over the state.

17 (d) The department shall publish quarterly notices in newspapers of general circulation and
18 shall post notices on the department's website, to encourage the public to monitor, measure,
19 document, and report present, potential, and past incidents that may constitute geoengineering
20 activities. An individual who wishes to present evidence of geoengineering may email or
21 otherwise send to the commissioner any of the following:

22 (1) Evidentiary photographs, each separately titled as an electronic or hard copy
23 document, with the respective location and direction from which the photograph was taken, with its
24 time and date; and

25 (2) Any other collected samples of video or audio recordings, lab tests, microscopy,
26 spectrometry, metering, and other forms of evidence that the individual may have.

27 (e) Any local or state official who has received information that causes him or her to
28 suspect geoengineering activity is occurring shall report that information to the commissioner
29 within 24 hours of receiving it.

30 (f) The department shall investigate reports of excessive electromagnetic radiation or
31 fields caused by human activity in any part of the spectrum, including but not limited to
32 radiofrequency, microwave, maser, infrared, laser, and ionizing radiation to ensure that they are
33 not the result of violations of the requirements of this article or the administrative regulations
34 promulgated _____ hereunder.

35 **§22-37-4. Penalties.**

1 (a) Any person who violates the provisions of this article, or who fails to perform any duties
2 imposed by this article, or who violates any determination, permit, administrative regulation, or
3 order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty not to exceed
4 the sum of \$25,000 for each day during which such violation continues, and in addition, may be
5 concurrently enjoined from any violations as hereinafter provided in this article, or any provision of
6 this article relating to noise, or who fails to perform any determination, permit, administrative
7 regulation, or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty
8 not to exceed the sum of \$5,000 for said violation and an additional civil penalty not to exceed
9 \$5,000 for each day during which such violation continues, and in addition, may be concurrently
10 enjoined from any violations as hereinafter provided in this article.

11 (b) Any person who knowingly violates this article or who knowingly provides false
12 information in any document filed or required to be maintained under this article, or who knowingly
13 renders inaccurate any monitoring device or method, or who tampers with a water supply, water
14 purification plant, or water distribution system so as to knowingly endanger human life, shall be

guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed \$25,000, or by imprisonment for a term of not less than one year and not more than five years, or by both fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

(1) If any person engages in generation, treatment, storage, transportation, or disposal of hazardous waste in violation of the hazardous waste management provisions of this article or contrary to a permit, order, or rule issued or promulgated under this article, or fails to provide information or to meet reporting requirements required by terms and conditions of a permit or administrative regulations promulgated pursuant to this article, the secretary may issue an order requiring compliance within a specified time period or may commence a civil action in a court of appropriate jurisdiction. The violator shall be liable for a civil penalty not to exceed the sum of \$25,000 for each day during which the violation continues, and in addition, may be enjoined from any violations in a court of appropriate jurisdiction.

(2) Any person who knowingly is engaged in generation, treatment, storage, transportation, or disposal of hazardous waste in violation of this article or contrary to a permit, order, or administrative regulation issued or promulgated under this article, or knowingly makes a false statement, representation, or certification in an application for or form pertaining to a permit or in a notice or report required by the terms and conditions of an issued permit, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed \$25,000 for each day of violation, or by imprisonment for a term of not less than one year and not more than five years, or by both fine and imprisonment, for each separate violation. Each day upon which a violation occurs shall constitute a separate violation.

(3) Nothing contained in this section shall abridge the right of any person to recover actual compensatory damages resulting from any violation.

(4) Any person who violates any provision of this article to which no express penalty provision applies, except as provided in this article, or who fails to perform any duties imposed by

this article, or who violates any determination or order of the cabinet promulgated pursuant thereto shall be liable for a civil penalty not to exceed the sum of \$1,000 for said violation and an additional civil penalty not to exceed \$1,000 for each day during which the violation continues, and in addition, may be concurrently enjoined from any violations as hereinafter provided in this article.

(5) The Circuit Court of Kanawha County shall hold concurrent jurisdiction and venue of all civil and injunctive actions instituted by the Attorney General on behalf of the state for the enforcement of the provisions of this article or the orders and administrative regulations of the cabinet promulgated pursuant thereto, except for any criminal actions arising from or related to this article.

(6) In addition to any other penalties that may apply, any person who knowingly engages in geoengineering activities in violation of this article shall be guilty of a felony, and shall also be liable for a civil penalty of not less than \$500,000. Each day that a person knowingly engages in geoengineering activities shall constitute a separate offense.

NOTE: The purpose of this bill is to protect the environment and humans from geoengineering experiments.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.